

REASON, EMOTION AND THE LAW
STUDIES IN THE PHILOSOPHY OF AXEL HÄGERSTRÖM

BY

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To *Pernille* and *Tine*

ABSTRACT OF THESIS (Regulation 6.9)

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Title of Thesis Reason, Emotion and the Law. Studies in the Philosophy of Axel Hägerström

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The subject-matter of this thesis is the philosophy put forward by the Swede Axel Hägerström (1868-1939). Hägerström was the son of an orthodox minister of the Swedish Lutheran Church and grew up in an intensely religious atmosphere. He began theological studies at Uppsala University which was to remain his academic home throughout his life. Hägerström's interests were diverted from theology to philosophy, but he carried with him the belief of having a mission in life. As a philosopher Hägerström used his vocation as a way of serving his fellow-men to see the truth. He had a very influential position in Sweden as a founder of the Uppsala-School of Philosophy as well as a school of jurisprudence generally known as Scandinavian Legal Realism. His mission is expressed programatically in his motto: "Praeterea Censeo Metaphysicam Esse Delendam", i.e. Moreover I propose that metaphysics must be destroyed. What Hägerström means to express by his motto is his basic belief that the increase of knowledge makes eventually for greater social harmony and personal happiness. We must look upon human affairs rationally and discard metaphysics, i.e. ignorance and superstition based upon man's false ideas which are rooted in his passions, i.e. his feelings and volitions. In order to achieve knowledge and social harmony, a method of inquiry is needed which will put knowledge on a secure foundation and thus force agreement amongst contending parties. Hägerström's epistemology expresses this method of inquiry, presented as a Copernican Revolution. Hägerström regards reason or thinking rather than faith and sense-experience as the foundation of certainty in knowledge. This in turn leads him to adopt the view that there is no freedom but in the rational recognition of the necessity of all things, and in the power which reason, by this recognition, may exert over the passions.

My thesis is that Hägerström's epistemology is fundamental for his moral and legal philosophy. It leads Hägerström to propound, I submit, not only an emotive moral theory but also a cognitive moral theory which holds that society provides the moral standards by which individuals and their actions must be judged. In the area of law it leads Hägerström to propound, I submit, two theories of law: a formal theory which holds that law is based upon reason and a psychological theory which holds that law is an expression of interests.

It is my argument that Hägerström is right that epistemology is important for law and legal knowledge, but Hägerström's epistemology is inadequate since it does not make room for the idea of individual rights as well as the possibility of moral criticism of law is ruled out.

Use this side only

Declaration: I hereby declare that the thesis "Reason, Emotion and the Law. Studies in the Philosophy of Axel Hägerström" has been composed solely by me.

Aarhus, Denmark, 1st July 1982

Preface

It all began in 1975. It was my good fortune to meet Professor William Twining at a conference for legal philosophy held in Lammi in Finland. I had at that time filed an application to the British Council for a Fellowship and sought advice regarding which university to choose for studying legal reasoning. Professor Twining suggested to me that the best place to study this problem was the University of Edinburgh, where Professor Neil MacCormick was - and still is - residing.

I decided to accept Professor Twining's advice which I have never regretted. When I was called to an interview at The British Council in Copenhagen I had then made up my mind to study in Edinburgh. This was, I think, somewhat a surprise for my interviewers who expected, I presume, my answer to be either Oxford or Cambridge. But I was quite adamant that Edinburgh was the place to go to, indeed, I made this a condition for my accepting the Fellowship, if offered. I never thought that I would succeed. I am, therefore, greatly indebted to the British Council for having been awarded a British Council Fellowship to study Philosophy of Law towards the Ph.D. at the University of Edinburgh (Scot/Den/2202/17). And I wish to convey my gratitude towards the office of the British Council in Copenhagen which supported my application to the Head office in London which granted me the Fellowship, and to the office in Edinburgh, especially to Miss M.A. Loudon, who assisted me during my stay in Edinburgh from 1976 to 1978.

My first visit to Edinburgh was in the glorious summer of 1976, where Professor MacCormick offered me his welcome and hospitality. Neil became my friend, and I lost my heart to Edinburgh.

Scandinavian Legal Realism has always received particular attention in Scotland.

The subject-matter of my thesis is the philosophy of Axel Hägerström who is the founder of this school of jurisprudence (Vilhelm Lundstedt, Karl Olivecrona, Alf Ross). Scandinavian Legal Realism is an endeavour to describe the ultimate nature of morality and law or to say what morality and law really is. This approach requires a preliminary investi-

gation of the scope and validity of knowledge which is supplied by Hägerström's philosophy. It is Hägerström's claim that morality and law need a proper epistemological foundation. He also claims that his own philosophy offers the only proper epistemological foundation for inquiries into the nature of law and morals. My aim in this thesis is to consider Hägerström's epistemology in relation to his moral and legal philosophy. This is the reason why my thesis is occupied with epistemological and ontological issues to a greater extent than it is usually the case in jurisprudence. My justification for this is that Hägerström is right that there can be no adequate legal theory without an adequate grounding in epistemology. Although I shall claim that Hägerström's epistemology is inadequate, his philosophy of law deserves serious consideration since Hägerström, like Kelsen, attempts to build law and legal science on a proper epistemological foundation. In this respect I shall argue that Hägerström offers two theories of law which so far have been neglected.

I wish to express my sincere gratitude to Neil for stimulating discussions and support during the years of my writing this thesis as well as his introducing me to the philosophy of Thomas Reid.

When writing my thesis I have followed the advice quoted in Boswell's Life of Johnson: "Read over your composition, and where ever you meet with a passage which you think is particularly fine, strike it out". - I am grateful to Neil for his reading and correcting my manuscript, turning bad passages into fine passages, and for making suggestions to improve the contents.

Of course I accept full responsibility for my thesis. To present it invites to criticism and critical discussion of Hägerström's philosophy as a means of getting nearer the truth about knowledge, morality and the law.

Besides the British Council Fellowship, my thesis was written under a grant from Statens Samfundsvidenskabelige Forskningsråd (Danish Social Science Research Council, j.nr. 514-6541) which I acknowledge with thanks. I also wish to express my thanks to "Axel H's Rejselegat", Det samfundsvi-

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I am indebted to Stig Jørgensen for assistance and advice during the years of my fellowship. I also thank my colleagues Ole Fenger and Karl Georg Schmidt for their willingness to discuss many of the problems to which my thesis gave rise.

For secretarial assistance, my thanks to Mrs. Birte Husum and especially to Mrs. Jytte Mønster. Jytte kept me writing by pressing for material to type, and, when she finally got it, turned my illegible handwriting into beautiful printed pages, also making valuable suggestions for the improvement of my English. Without her assistance, this thesis would never have materialized.

I dedicate my thesis to my daughters, Tine and Pernille, who have suffered, I am afraid, from their father being too occupied with the company of Axel Hägerström.

Aarhus, 1st July 1982

Jes Bjarup

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Abbreviations of Hägerström's writings

EE: Erkenntnistheoretische Voraussetzungen der speziellen
Relativitätstheorie Einsteins.

INLM: Inquiries into the Nature of Law and Morals.

PR: Philosophy and Religion.

Full details are given in the bibliography at p. 448.

Axel Hägerström. A Biographical Sketch

"Every philosophy is tinged with the colouring of some secret imaginative background, which never emerges explicitly into its train of reasoning."

Alfred North Whitehead*

1. At the Crossroads

Writing in 1896 to his fiancé, the twenty three year old Esther Nyander, Axel Hägerström sets forth his conviction that he has a mission in life. The mission is to work for the eradication of the prevailing prejudices which form obstacles to the improvement of the human condition. Hägerström's vocation for the improvement of the human condition is directed at reforming the present world, rather than directed at salvation from the world. To accomplish this purpose, Hägerström believes that a critique of prevailing philosophical views is necessary in order to arrive at a rational method as a means to increase human knowledge and human happiness. Hägerström, firmly believing in the righteousness of his cause, quotes Luther's famous phrase: "Here I stand. I can do no other. God help me. Amen". He also realizes that "from now on my life will be one great struggle, and nobody knows, if I ever will achieve a secure and quiet life, but I have no choice".

Hägerström then confronts Esther with the choice of following him or breaking off the engagement. Hägerström is quite prepared to do so. Esther "is free if she so wishes, and I (i.e. A.H.) shall in my heart bury all bliss of life, for which I after all do not exist".

Hägerström urges Esther to make up her mind "within the faith of the Eternal". Hägerström did not have to wait long for a reply, which was concordant with his fervent hopes. Esther decided to follow Hägerström, come what may. They married in 1899 and she was his devoted wife until his death in 1939.

* Science and the Modern World, New York 1925, p. 1.

2. Sources on Hägerström's Life

I have quoted this letter from the book by Hägerström's daughter Margit Waller: "Axel Hägerström. Människan som få kände".¹⁾ This book is an important source for the story of Hägerström's life, and I have used it in this sketch.²⁾ Besides Waller's book I have used the recollections of two of Hägerström's students, the memoirs of John Landquist: "Axel Hägerström"³⁾ and Anders Wedberg: "Axel Hägerström, Några minnesbilder och intryck".⁴⁾

Knowledge of Hägerström's personality and the circumstances of his life is perhaps not relevant for the understanding and evaluation of his philosophical arguments. But it provides a background for understanding Hägerström's mission and also for his influence on other people.

Hägerström, as the title of Waller's book suggests, effaced his own personality and wished his philosophy to stand alone. The book reveals Hägerström as a compelling personality, who to many of his students seems to have the look and intensity of the paradigmatic philosopher. What was important to Hägerström was philosophy, and the proper way of doing it. Doing philosophy was an existential matter for Hägerström. His whole life was dedicated to the pursuit of truth, and finding certainty. Hägerström had great confidence that he had found the true philosophy. His philosophical self-confidence resembles that of Spinoza. A correspondent once asked Spinoza:

"How do you know that your philosophy is the best of all that ever have been taught in the world, are now being

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- 1) "Axel Hägerström. The Person Whom Few Knew", Stockholm 1961. Hereinafter referred to as Waller. The letter is at p. 93. I have translated the quoted passages into English, as well as all other quoted passages.
 - 2) This book is also used by C.D. Broad in his "Memoir of Axel Hägerström", printed in PR p. 15-29.
 - 3) "Axel Hägerström" in "Som jag minns dem" (As I Remember Them), Stockholm 1949, p. 129-138. Hereinafter referred to as Landquist.
 - 4) "Axel Hägerström. Some Recollections and Impressions" in Svensk Litteraturtidsskrift, vol. 34, 1971, p. 27-31. Hereinafter referred to as Wedberg. See also Wedberg's bibliography in Svenskt Biografisk Lexikon (red. Erik Grill) Bd. 19. Stockholm 1971-73, p. 607-611 with further references.

taught, or ever shall be taught? Passing over what may be devised in the future, have you examined all the philosophies, ancient as well as modern, which are taught here, and in India, and everywhere throughout the whole world? Even if you have duly examined them, how do you know that you have chosen the best? You will say: "My philosophy is in harmony with right reason; other philosophies are not." But all other philosophers except your own followers disagree with you, and with equal right say of their philosophy what you say of yours, accusing you, as you do them, of falsity and error. It is, therefore, plain that before the truth of your philosophy can come to light, reasons must be advanced, which are not common to other philosophies, but apply solely to your own; or else you must admit that your philosophy is as uncertain and nugatory as the rest."⁵⁾

To this question Spinoza replied,

This question I might with much greater right ask you, for I do not presume that I have found the best philosophy, I know that I understand the true philosophy. If you ask me in what way I know it, I answer: In the same way as you know that the three angles of a triangle are equal to two right angles: that this is sufficient, will be denied by no one whose brain is sound, and who does not go dreaming of evil spirits inspiring us with false ideas like the true. For the truth is the index of itself and of what is false".⁶⁾

I believe that Hägerström, if asked, would offer the same reply as Spinoza. For Hägerström truth makes itself manifest, once we take the true starting-point for our inquiries. What matters is to get rid of "evil spirits", in order to arrive at genuine knowledge of man and his place in nature. There is, in Hägerström's life, a constant struggle between the evil spirits of mystical experiences and the beneficent spirit of genuine knowledge, between passion and reason, or faith and knowledge.

3. Hägerström's Home and His Early Life

Axel Anders Theodor Hägerström was born in the rectory of Vireda, a small village north of Jönköping, on 6th September 1868. He was the first child of the Rev. Karl Frederik Theodor Hägerström by his second wife, Augusta Maria Skarin. With his first wife, Ida Imbring he had already two sons,

5) B. Spinoza, Correspondence (transl. by R.H.M. Elwes) New York 1955, Letter LXXIII from Albert Burgh, p. 411.

6) B. Spinoza, Correspondence, Letter LXXIV, p. 416-7.

Reinhold, born in 1863 and Gustav, born in 1865. She died shortly after having borne Gustav. Hägerström's other brothers and sisters were Johan, born in 1871, Emilia, born in 1873, Berta, born in 1874 and David, born in 1878. The children were given a Christian upbringing, first in the rectory of Vireda, later in Örberga which is beautifully situated close to Vättern.

Hägerström's father was a powerful preacher of the orthodox Lutheran School. He was definitely opposed to the "New Evangelism" which was critical of the established church. Karl Hägerström looked upon the "New Evangelism" as a threat to national unity and defended the traditional confessional heritage of the church. In his well-prepared sermons the admonition of the word plays an important role, especially concerning sin and punishment after death. He stressed good works as necessary for God's salvation in Heaven. God must require good works as the precondition of communion with him. And the Kingdom of Christ is a realm of grace. Sin, on the other hand, is evil. The sinner is punished for "bad works" with damnation in Hell. All the evils of human life flow ultimately from the culpable fall of man. God, in the sermons of Karl Hägerström, is ruler of all things. God is almighty, and righteousness itself, and as long as sin is exactly balanced by just punishment, it does not upset the moral harmony in God's world. Karl Hägerström never questioned the truth of the Lutheran doctrines.

Axel went to church with his parents and listened to his father's sermons about the sinners and unbelievers and their fate in Hell. Waller reports that these sermons, which depicted Hell as eternal fire, made a strong impression on Axel's mind. "One day when Axel sat in front of the open fire in the rectory, he put his hand into the flames in order to sense the suffer and tortures of the damned, to whom he perhaps belonged".⁷⁾

At home, Karl Hägerström also demanded thorough dis-

7) Waller, p. 24, cf. below Ch. III, p. 155.

cipline and strict order. Once Axel, asked by his mother to collect some potatoes in the cellar and put them on the kitchen floor, emptied the bag on the floor in front of his mother guilelessly: "Here they are in the place you wanted". Hägerström's father strongly disapproved of Axel's conduct, and "it was not without some fear that he (i.e. Karl Hägerström) considered that his son might take a wrong turning".⁸⁾

The son, in fact, did take a wrong turning later in his life, since Axel did not follow his parents' wish to study theology and become a minister. I shall come back to this. In his youth, however, Hägerström submitted himself to his father's commandments, and was deeply concerned with self-examination and sense of guilt. The result was that Hägerström was too afraid of his father to express himself frankly or spontaneously to him. Perhaps Hägerström - like Mill - was also deprived of a will of his own. As Mill wrote "I was so accustomed to expect to be told what to do, either in the form of a direct command or of a rebuke for not doing it that I acquired a habit of leaving my responsibility as a moral agent to rest on my father, my conscience never speaking to me except by his voice".⁹⁾

Hägerström's relationship to his father perhaps explains why he in his writings and lectures is so concerned with the idea of duty and also why he believes that "the feeling of duty is a conative feeling, ... a feeling of being driven to act in a certain way, devoid of valuation".¹⁰⁾

For Hägerström "the expression of command leads to the thought of a commanding will".¹¹⁾ Hägerström's attack on a commanding will behind the imperative form of the expression of the command may be seen as an effort to set himself free from his father's influence, and stress his own

8) Waller, p. 52.

9) John Stuart Mill, *Autobiography* (ed. by J. Stillinger) Oxford 1971, p. 33.

10) Hägerström, *INLM*, p. 130, cf. p. 125: the commanded person "is determined, not by values which are significant for himself, but by the imperative form of the expression".

11) Hägerström, *INLM*, p. 159.

autonomy.

The strict upbringing by his father is in some ways balanced by Hägerström's relationship to his mother Augusta and her mother, Axel's grandmother, Charlotte. The latter stayed with Hägerström's parents and it is probably through her influence that Hägerström became interested in political and social questions. Hägerström's mother was also a devoted Christian who firmly believed in the commandment to love God "with all thine heart and with all thy soul and with all thy might" followed by the commandment "thou shalt love thy neighbour as thyself". Love, for Hägerström's mother, is not seen as a power that destroys man's reason, but rather, as an emotional attitude by which discord and fear can be healed.

Hägerström's mother was deeply influenced by the "New Evangelism". Her husband disapproved of the "New Evangelism" but the difference in religious outlook did not produce any schism between husband and wife. The explanation is probably, as Waller suggests,¹²⁾ partly Augusta's tolerance of opposing views, partly Karl's lack of interest in theological questions.

The "New Evangelism", or Rosenianism after the founder of the movement C.D. Rosenius,¹³⁾ made much of "objective justification", appealing to sinners to "come as you are" and confess and seek trust and salvation in Christ to take away one's sins. Sinners are not condemned to Hell but may be assured of his salvation, and by the power of the Holy Spirit, man is capable of attaining "perfect love" for God and his fellows in this life.

Augusta Hägerström was full of thoughts for her family - including Axel's elder brothers - and she was the centre of the family and held it together with her solicitude. She did also much for the sick and poor people in the parish, and her charity was renowned.

12) Waller, p. 15.

13) Rosenius was a lay preacher strongly influenced by George Scott, an English Methodist Evangelist.

Waller stresses the mother's importance for Hägerström's life. She had a strong affection for her children, and Axel was profoundly attached to her. Not only in the sense that Axel could seek consolation from his mother for his constant fear and dread. In the incident of Axel's burned hand, mentioned above, his mother not only relieved the physical pain but tried to soothe Axel's troubled conscience by calling attention to God's grace and set it at rest. But Hägerström was also devoted to her in the sense that his mother was his confidant, in her he could find understanding and sympathy for his troubles over the menace of Hell and the problem of an invisible, omnipotent God.

Hägerström's fear of Hell and of an invisible God, it seems to me, leads to observations and questions on the nature of reality. By relying on his mother, Hägerström was able, I think, to overcome much of his fear of living in an insecure and inferior world, and rather experience the world as basically helpful and trustworthy. His mother's care for him also meant, I think, that Hägerström learnt to separate his own private and internal life of imaginations from the objective and external life of persons and objects. Through her love, Hägerström came to believe that both kinds of life, the internal life and the external life, can be regarded as real. Whether reality or being belongs fundamentally to either the internal life of feelings or the external life of objects, including human beings, is a basic theme in Hägerström's later philosophy. Hägerström's occupation with this theme can, I think, psychologically be traced back to his mother's influence.

4. Hägerström's Education and Choice of Study

It was the parents' wish that Axel should study theology and become a minister thus continuing the family tradition. Hägerström learnt reading before he was 5 years old and he was educated by his father, who was a very demanding teacher, until he entered school in 1879 in Jönköping. Owing to his father's education Hägerström went up to the third class.

Hägerström was a bright pupil who received good marks. His favourite subject was mathematics, and from his diary it emerges that he used to assist his class-mates with solving mathematical problems as well as doing mathematics for leisure, because mathematics "always gave him the highest intellectual pleasure".¹⁴⁾ Otherwise, Hägerström relaxed from his school-work by long walks and other out-door activities such as skating. Owing to his extensive self-studies, Hägerström was prepared to take the General Certificate a year earlier than his class-mates. In order to do so, an exemption was needed. On the very day Hägerström was going to apply for an exemption at the principal's office he received a letter from his elder step-brother Reinhold, urging him to desist from his project. This letter completely changed Hägerström's plan. He did not apply for an exemption and took his General Certificate the following year.

Why did Hägerström change his mind? Jönköping, where Hägerström lived, was at that time one of the centres for the Rosenian movement. Hägerström had attached himself to the movement's ideals of self-denial and meekness for God, the true ideal being a life of love and obedience to the will of God, and its preoccupation with self-examination of one's sinfulness, which is overcome through revival which leads to a new being in God. Within the congregation and association of the regenerate, the new beings, each individual under the eye of his fellow Rosenians was to occupy himself with growth in holiness, denial of worldiness, and conformity to the indwelling Christ. Reinhold was a fellow Rosenian and in his letter to his brother, he pointed out that Axel's plan was a sign of self-worship and self-glorification which a true Christian must condemn. Spiritual arrogance in one's own intellect is a sin against God. Axel was on the point of treading the path of sin, and Reinhold believed it was his brotherly duty to warn his younger

14) Waller, p. 29.

brother of the momentous consequences of his decision to apply for an exemption.

When Hägerström received his brother's letter, "his soul was tormented by dissension, which also manifested itself, since I became deathly pale".¹⁵⁾ The conflict in Hägerström's mind was between his self-esteem and his ambitions on the one hand and his awe or veneration for God's message "Renounce and you will gain more" on the other. "God be praised!" Hägerström writes, "the demon of ambition retreated with shame. The angel of renouncement captured my heart and healed gently and peacefully the deep wounds caused by the struggle".

Hägerström made up his mind on moral grounds, that is to say he abandoned his ambition and withdrew from worldly interests in order to lead a life in peace with God. This belief was a comfort to Hägerström. He could look forward to finding salvation rather than incur damnation. Nevertheless, from the letters to his brothers Gustav and Reinhold it is obvious that he had great difficulties in persuading himself that it was the right decision. His brother Gustav suggested to him that he might prepare himself for the coming studies at the University of Uppsala. Hägerström thought that this might be a good idea, and asked for information concerning the study of philosophy rather than the study of theology.

The letter - from 1885 - shows clearly that Hägerström was in doubt whether he was "called" to become a minister and that he needed some time to reflect on his future career. What emerges from Hägerström's letters in this period is a great sensitivity to the issue of dependence and independence in man's relation to God, but also a certain ambivalence which required him to give consideration to all sides of this issue.

In 1886 Hägerström went to the University of Uppsala

15) Waller, p. 36. My translation from a letter from Axel to Reinhold (his "beloved brother"). The following quotation is from the same letter.

to study theology. He passed the introductory exam in 1887 which covered subjects as History, Greek, Hebrew and Philosophy. In Philosophy his teacher was Erik Olaf Burman (1845-1929), and it was due to his influence that Hägerström in 1887 "decided to devote myself to philosophical studies".¹⁶⁾

In a letter to his father from May 1887 Hägerström informed him of this decision. Hägerström's motivation was partly "his anti-theological way of thinking",¹⁷⁾ partly the role of minister and his representative functions. Hägerström's anti-theological way of thinking is solely directed at the dogmatic studies of religion, not at the Christian elements in religion. "Christianity is", Hägerström writes, "from the bottom of my heart the only religion which can satisfy an individual human being's concrete spiritual requirements". His antipathy to the role of minister is bound up with the social aspects of the role of minister. A minister is connected with his audience.

"He must within his congregation account for Providence not only in his teaching but also in his life. Therefore, the congregation has a rightful claim to scrutinize not only his teaching but also his style of life. The social role of the scholar is quite different. He is only concerned with finding the truth, and his personal way of living does not concern the public at all."

What matters to Hägerström is to break his way away from these external influences, and only rely on his own intellectual powers in order to establish his own independence.

Psychologically, Hägerström's decision to study philosophy rather than theology may be explained as a reaction towards his whole upbringing and an effort to become independent of this upbringing. Hägerström's parents, especially his father, wanted Axel to study theology and find his way in life as a minister. By his decision not to enter theological study Hägerström expressed his desire to become an independent and autonomous person with

16) Hägerström, PR p. 33.

17) Waller, p. 61-62.

a will of his own. It is of some significance, I think, that Hägerström signed his letter "Give all at home my love from Pappa's philosophical son Axel".

Hägerström's announcement to quit the study of theology caused an uproar in the family. The parents were angered by their son's disobedience, anxious of what might happen to the abandoned son and uneasy about his earning a living in the future. His decision, in short, could bring disgrace on the family. A brisk exchange of letters took place between the parents and Hägerström. The parents supplicated and adjured Hägerström to change his mind. It was imputed to him that he was ungrateful, selfish, unloving, freakish and vagarious. Hägerström's father, deeply shocked and indignant at his son's anti-theological view, threatened him with rescinding financial support for his studies. This move, however, was vanquished by Hägerström's mother, who at first also felt betrayed. After a while she accepted his decision and tried to mediate between father and her beloved and admired son. The father's wrath was not so easily allayed, and it was not until 1893, on Hägerström's twentyfifth birthday at the time of the conferment of his doctor's degree in philosophy, that the father was reconciled with his son's choice and satisfied that this choice after all did not entail any disgrace on the family but on the contrary was a credit to the family, cf. below p. 15.

Hägerström, as indicated, did not give in to his parents' entreatments and exhortations. Once, in 1885, Reinhold had succeeded in reviving Hägerström's feeling of sin and unworthiness. By attacking his motives Reinhold's letter had stripped Hägerström of his pride in his intellectual abilities and reduced him to the sinful child in the presence of the omniscient God. Now, he had the courage of following his own conviction. Hägerström had the feeling that he had to live his own life, not his father's life. In spite of the opposition of his family, Hägerström was determined to study philosophy. This, of

course, was a critical period in Hägerström's life. He was under great emotional strain, torn between his respect and love for his parents and his longing for independence. Hägerström's letters do not reveal anything about this inner conflict in his mind. But it is significant that Hägerström once the decision was made changed his plans of going home and spending the holidays in the family's company. Hägerström used to return to the rectory to find refreshment in its garden, its lovely view, and enjoy the presence of his beloved parents.

The problem for Hägerström was to break away from his parents and establish his own independence. And this problem needed fundamental questioning which in turn required loneliness. So Hägerström went directly from Uppsala to an inn in Björnlunda in order to reflect upon his future life. With Henrik Ibsen: "Really to sin you have to be serious about it",¹⁸⁾ Axel Hägerström was serious about it. His letters indicate that Hägerström's decision was a matter of principle for him. What the parents ask Hägerström to abdicate is something which he cannot abdicate "my honour" and "plight my troth".¹⁹⁾ The letters also indicate that these principles cause Hägerström intense mental agony. Hägerström thinks that it is quite wrong of his parents to say that he is an ungrateful and unloving son. "God is my witness that I will not be an ungrateful and unloving son",²⁰⁾ he says in his letter. He is quite prepared to respect and honour his father and mother in every respect except in matters "which offend my conviction of the right think to do. Right and duty, more than anything else, have to do with matters of the utmost individual and sensitive character".²¹⁾

Hägerström was very sensitive about his honour, and as he later wrote "one fights the better when one is stand-

18) Henrik Ibsen, *Peer Gynt*, 1867. Hägerström read and admired the works of Ibsen.

19) Waller, p. 64.

20) Waller, p. 64. Letter from June 1887.

21) Waller, p. 65. Letter from June 1887.

ing up for one's rights".²²⁾ The analysis of the notions of right and duty was to occupy Hägerström's mind. What Hägerström writes in this letter forms the background for his later philosophical analysis of these concepts. Hägerström's attention to these concepts for philosophical analysis was undertaken, I believe, not only because of their philosophical and legal bearings but also with a wider purpose in mind: that of understanding his own station and its rights and duties.

In his letters Hägerström also indicated that he would visit his parents in September, but he did not do so and returned to Uppsala to pursue his studies. He also took up teaching in order to earn his keep. He worked very hard and after a few years studies he passed his final exam in 1892.

He then began preparing his thesis "Aristoteles etiska grundtanker och deras teoretiska föruttsättningar"²³⁾ which was completed and defended in 1893.

Hägerström's life in Uppsala was ascetic and lonely. He was by nature a recluse. Besides he did not spend the time with his fellow-students, partly because his studies and teaching did not give him the opportunity, partly because he, had he the opportunity, could not afford to go to public houses.

According to Waller, Burman gave special attention to the young Hägerström. "Burman looked after Hägerström like a father, and was probably the person in Uppsala who was dearest to Hägerström during his period of studies".²⁴⁾ Burman and Hägerström formed a lifelong friendship. Otherwise Hägerström lacked intimate personal friends.

Hägerström mentions Aristotle's division of friendship into three kinds without mentioning the source, viz. Nicomachean Ethics, Book VIII. Hägerström dismisses

22) Hägerström, INLM p. 2.

23) Uppsala 1893 (Aristotle's Ethical Ideas and Their Theoretical Presuppositions).

24) Waller, p. 79.

friendship for the sake of utility and pleasure, and stresses the perfect friendship which is based on love for the same aim in life - the eternal life - and where men, concerned with this common aim, address themselves to implement it. For Hägerström

"the value of friendship is for the sake of intellectual community of ideas, and this intellectual community I can share without any physical relationship with, e.g. a writer, dead or living. I love Kant, Fichte, Brandes, Nietzsche and many others with equal devotion, if not with greater devotion, than any of my friends. Perhaps the ardour of love would vanish, if I did become personally acquainted with them: No man is a hero to his valet".²⁵⁾

Among many others, "the genius Marx" must be mentioned.²⁶⁾

Hägerström's lack of personal friends may perhaps be explained by a saying of Henrik Ibsen, "Friends are to be feared, not so much for what they make us do as for what they keep us from doing". His brother Reinhold is a case in point. Hägerström's letters reflect that he suffered from depression, and the only cure seems to have been reading philosophy, seeking desperately to find the truth.

"The power of truth is great and it will survive even without the support of a weak human being. My comfort is that the truth will always, like beams of light through darkness, come to the fore. I have toiled and struggled for truth but perhaps my work was not pure, therefore it had to be purified in order that the eternal truth may dwell therein. The truth requires us in its service, if we do not sacrifice ourselves for the truth, we are useless tools",

wrote Hägerström to his parents in 1891.²⁷⁾

It is noticeable that Hägerström uses religious words to describe his position. For Hägerström you have to free yourself from extraneous matters, and discipline your unruly will and affections in the pursuit of truth and knowledge. If you just know the truth, you need not be scared.

Thus, Hägerström divides his world into the intelligible, which is logically structured and real, and the unintelligible, which is chaotic and unreal. His ideal is

25) Waller, p. 128. From a letter to Esther written 1897.

26) Waller, p. 184. Hägerström's characterization in a lecture held 1908.

27) Waller, p. 81-82. Letter of 10th November.

no longer God but absolute, unchangeable truth, and for this he suffers rightly, because he is cleansed by suffering and is thereby prepared for life in this world. Hägerström, when breaking away from his parents and their ideals, has attached himself to a new ideal, i.e. that of seeking absolute truth, on which he is building a new emotional defence against his constant feeling of helplessness and loneliness.

5. Hägerström's Relationship to His Parents

The 6th September 1893 was a great day in Hägerström's life. It was his 25th birthday. It was also the date for the conferring of his degree which took place in connection with the celebration of the 300th anniversary of the Uppsala Möte in 1593, where the Protestant Reformation was consolidated by King Gustav Vasa's adoption of the Lutheran confession of Augsburg. It was a day with glorious sunshine, also in a literal sense, for Hägerström, whose parents had travelled to Uppsala to praise their son. His mother had brought him the garland, made by her from flowers in the garden, and his father's fear for his son's fate had turned into respect. He could, after all, be well pleased with his beloved son, who was going to be a lecturer in the University. Thus, the parents and Hägerström were happily reunited. Hägerström could again spend his holidays in the parents' home. If he often did not do so, it was this time due to hard working, mostly on philosophical subjects in Uppsala, and not, as previously, due to differences in convictions.

Hägerström's father died in 1906. This is only mentioned in passing in Waller's book,²⁸⁾ and there is no account of whether this affected Hägerström. I do not know whether there is any causal connection between his father's death and Hägerström's opposition to idealism, subjectivism, and metaphysics, which set in afterwards. Hägerström's mother moved to Stockholm, where she died in 1933. Until her death she took a lively interest in Hägerström's philosophy and her wish was, expressed in a letter when she was about 87,

28) Waller, p. 145.

"that philosophy must be the foundation, on which we wretched human beings with some confidence can build our small houses".²⁹⁾

Hägerström's letters to his mother are pervaded with affection and gratitude to her. In a birthday letter to her, he stresses the importance of

"the intimacy in the relations between parents and children. Therefore, the unity and holiness of the family is the most important condition for the strength of the generation to come. For, if the past and the present only are opposed to each other, then conviction and death are at hand."³⁰⁾

The intimacy, which Hägerström refers to in his letter, he found in his relationship to his mother. She was, I believe, the most important person to him throughout all his childhood and youth. Her great affection and care for his welfare made him love her as a child and gave him the feeling of safety or security, he needed, because of his father's austere way of life. Hägerström's father was particularly strict in anything that touched on religion and morality, which in Hägerström's case produced an intense feeling of sin and unworthiness. This feeling was only balanced by his mother's care. Hägerström rather respected than loved his father. Hägerström's basis for this relationship was fear and reverence. In contrast to his relationship with his mother, which was founded on adoration and affection. At his mother's funeral, Hägerström, deeply moved, talked of the sparkles in her eyes, which embraced him when he first left home to see the world.

6. Hägerström's Future Career

Hägerström worked hard through his whole life. Having completed his dissertation, he started working on new projects, which were completed and published in 1895. One book was "Undersökning av den empiristiska etikens möjlighet med särskild hänsyn till dess moderna huvudformer",³¹⁾ followed

29) Waller, p. 16.

30) Waller, p. 66. From a letter dated 23rd October 1903.

31) (An Inquiry into the Possibility of the Empiricist Ethics with Special Regard to Its Modern Representatives).

by its sequel "Om den moraliska känslan och driften såsom förnuftiga i den moderna rationalismens huvudformer".³²⁾

Hägerström's intention in writing these two books was to strengthen his candidacy for the professorship in practical philosophy, which was vacant after the retirement of C.Y. Sahlin. E.O. Burman, Hägerström's teacher in philosophy, also applied for the post. Hägerström did not for one second think that he would be appointed to the post. His only intention in applying was to receive a formal acknowledgment of the merits of his works, a recognition of his qualifications as a philosopher, which might be useful for his future career. His parents were worried about his future prospects, and had admonished him to take care of his prospects for the future as a teacher.

As it was expected, Burman was appointed to the chair. The Committee's decision was in that respect, in Hägerström's opinion, absolutely right. On the other hand, the Committee was absolutely wrong, in Hägerström's opinion, to report that he was not qualified for the vacant post. Hägerström was infuriated by the statements by the members of the Committee concerning his philosophical abilities. The Committee's testimony was, in his opinion, an heinous act. Among other things it was said about him that

"he was perhaps somewhat one-sided but after all evidently a philosophically gifted person with great potentialities. But still he is in a period of "Sturm und Drang" (i.e. storm and stress), so there is no knowing what he may do; his future development must be considered to be quite questionable".³³⁾

This statement was made by Professor Reinhold Geijer,³⁴⁾ whom thenceforward Hägerström regarded as an opponent, treating him with the utmost contempt. It was a victory for Hägerström when Geijer later recommended Hägerström's appointment to the chair of philosophy in Uppsala, cf. below p. 26.

32) (On the Moral Sense and Instinct as Rational in the Principal Forms of Modern Rationalism).

33) Waller, p. 96-97.

34) Reinhold Geijer (1849-1922), professor in theoretical philosophy in Uppsala.

Hägerström was asked if he would withdraw his application, in order to avoid publication of the Committee's unfavourable statements - but he refused and the Committee's report was released in March 1896. Hägerström had in his outrage already planned a counterblast. In his letter to Esther, already referred to in section 1 of this chapter, Hägerström had made it quite clear that he was not prepared to give in but rather determined to fight for his conviction. Hägerström got Esther's support, and in a later letter he writes "the general opinion here in Uppsala is, as far as I know, that the Committee's rejection depends upon the fact that I have completely rejected the prevailing views of the powerful masters".³⁵⁾ At the same time he writes to his parents stating his reasons for countering the Committee's unfavourable testimony of his philosophical qualifications. He writes:

"I do not overlook the risks for my own future life, but I know for sure that I must first abide by my own ideas and not allow these ideas to be stifled by some spiritual dotards, who now are the masters of affairs, next I must strike a blow to emancipate, if possible, the philosophical spirit, which at present in Sweden is ensnared by some old men with impoverished minds. Besides I am immovably convinced that I am right. Why should I then give way? To speak my mind I feel that I am called upon to initiate my lifework."³⁶⁾

Hägerström published his reply "Om den empiristiska etiken och den moraliska känslan - svar på kritik" in 1897.³⁷⁾

7. Hägerström's Relationship to His Family

The only person, whom Hägerström missed on the glorious day of 6th September 1893, cf. above section 5. was Esther Nyander. She was the daughter of a minister, Nils Johan Nyander, who lived in the neighbourhood of Hägerström's home. The families of Nyander and Hägerström knew each

35) Waller, p. 98. From a letter written in March 1896.

36) Waller, p. 99. Letter from March 1896.

37) (On the Empiristic Ethics and the Moral Sense - Reply to Critics). This book has not been accessible to me, and I have not had the opportunity to read it.

other personally and a visit at Hägerströms' was arranged in order that their children could come to know each other. When Hägerström saw Esther, in the summer of 1892, he immediately fell in love with her, and he won her affection. They were formally engaged in 1896.

Hägerström's relationship to his fiancé can be summed up by a quotation from a letter written in 1896:

"I have now, you realize, *only you*, to confide in in every respect. Only together with you do I realize myself as I am. In company with other persons I have to harness myself in certain rigid and stark manners which I feel almost suffocating. Therefore, you are half of my soul, and without you I am only a half human being."³⁸⁾

Esther was to become the half of Hägerström's life, the other half was philosophy. Esther did not understand much of his philosophy, but she endorsed it and backed him up whole-heartedly, ever since the incident of Hägerström's failure to get the chair in philosophy mentioned in the beginning of this chapter. "She had an intuitive understanding of his aims and she loved and admired him just as he was, although she sometimes found him to be a bit eccentric", Waller comments.³⁹⁾ She was the life force in Hägerström's life in solitude, mentally and physically, and only the thought of her devotion kept him up in his periods of depression. Hägerström married Esther in 1899. In January 1899 he thought that his financial position was so secure that he could afford to rent a house. He informed Esther of his decision, which meant that they had to make preparations for getting married. The wedding was arranged to take place the 28th June in the church of Östra Harg, where Esther's father was a minister. It was with a sense of freedom from fear and anxiety that Hägerström and his bride moved into their common home, which was to become the seat and centre of family life, Hägerström had two daughters - Rut and Esther -, and the focus of domestic affections. In a quotation from Goethe, "The most fortu-

38) Waller, p. 127. Letter of September 1896.

39) Waller, p. 138.

nate of men, be he a king or a commoner, is he whose welfare is assured in his own home". I think that Hägerström was one of these most fortunate men. His wife cared for him, and there he found everlasting abode of bliss.

Thus, Hägerström combined marriage and philosophy. His wife's love was his strength both in his striving to overcome the evil spirits in his own mind and in his philosophical work directed against the prevailing false and pernicious ideas, which deprive men of a genuine sense of truth and reality.

It seems, his daughter writes, that Hägerström did overcome the depressive mood, which was so salient in his youth, thanks to his own strength of character and his wife's efforts to brighten his otherwise pessimistic views. "Together with her he created a home infused with tenderness, safety and thoughtfulness".⁴⁰⁾ Hägerström is described by his daughter as "kind to wife and children".⁴¹⁾ However, in his engagement in philosophical discussions Hägerström often conveyed the impression of being pugnacious and belligerent, but these traits were completely absent when at home. "He was so harmonious, so tender and gentle that it is true to say that the essence of his personality was marked by an august serenity".⁴²⁾

Hägerström had - so he reports in one of his letters - a fiery temper, and the reason why he appeared so harmonious at home may be due to the fact that he was never faced there with any criticism of his views, neither from his wife, nor from his friends, who all seem to have submitted themselves to his serene mind.

His only passions were strong coffee and smoking his long-pipe. He never travelled outside Sweden but often talked about visiting one place in particular, that is Königsberg, where Kant had lived and worked. He also dreamt of going to Rome to experience the Roman Forum,

40) Waller, p. 190.

41) Waller, p. 190.

42) Waller, p. 190.

but this dream never materialized. Although he was invited to attend a conference in Rome in 1933, he was "for several reasons obliged to decline the invitation", Waller writes.⁴³⁾ But she does not specify Hägerström's reasons. I venture to guess that one of Hägerström's reasons was that he was afraid of going abroad, leaving his wife and children behind him. When his wife and children once - in 1905 - went to see her parents, leaving Hägerström alone in Uppsala, he was out of his mind. "If the postman keeps me waiting for a few minutes I can hardly endure the suspense, and when he finally arrives with your letter, I'm in such a hurry to read it that I tear both envelope and letter into pieces", Hägerström writes to his wife.⁴⁴⁾ I take it that Hägerström still - in 1933 - could not bear the thought of leaving his wife and his home where he felt secure.

8. Hägerström's Mission and His Final Victory: Professor Hägerström's lifework as a philosopher was to substitute philosophy for religion as the true foundation for knowledge of man's existence in society. Hägerström sets out with a short essay "Om filosofiens betydelse för människan"⁴⁵⁾ in which he presents his opposition to the prevailing views in Uppsala. In his essay Hägerström presents two principal trends of thought in the history of mankind. One is an extrovert trend of thought, where knowledge is based upon what is accessible to the senses. The other trend is introvert, where knowledge is based upon feeling and intuition. The extroverts stress analysis and reflection, and are critical of received opinions and common ideas. The introverts, on the other hand, tend to be uncritical, accepting without any questioning the inherited opinions which are adhered to as dogmas. What matters is to find a philosophical justification for human opinions and establish valid

43) Waller, p. 199.

44) Waller, p. 180.

45) (On the Importance of Philosophy for Mankind) Uppsala 1898.

principles for the unity of mankind.

The key questions are, Hägerström says, what is the nature of a philosophical understanding concerning the basic foundation for man's knowledge, and what is the nature of a philosophical understanding concerning the final goal of man's life. The first question concerning knowledge is answered by Hägerström on idealist lines. If there is to be a fundamental account of knowledge of what there is, it must start from the intellect. Intellect, Hägerström argues, is the key to understanding of the world. Like Berkeley, Hägerström claims that sensible things have no existence without the mind. When I perceive a tree, Hägerström writes, I cannot be sure that there is a tree. The only thing I know for sure is that I have a sense-experience of a tree. The ground for what is real and what is apparent depends upon some sort of intellectual necessity. This necessity is found in a universal and impersonal mind, which to a greater or lesser extent is present in one's personal mind. It is not possible, Hägerström argues, to conceive of reality in terms of the experience of individual minds. Nor is it possible to resort to the mind of God. Rather, we must conceive of reality in terms of a common and universal mind, exemplified in philosophy. The task of philosophy is to provide the logical principles for testing the soundness of human claims to possess knowledge. These principles cannot be found in experience. Since they are used to justify experience they must be independent of experience and must accordingly find their basis in reason. As for the second question concerning man's goal, Hägerström's answer is that the moral rightness and wrongness of actions do not consist in outward obedience to commands, but in the imitation of the universal unwritten law in man's inward life. The ultimate goal of man is peace and mental and material security and happiness.

In carrying out his important task Hägerström thinks that it is vital to purify oneself from extraneous matters such as gaining personal benefits or rewards in the shape

of money. Submitting his essay to the public he writes to his parents

"Well, now my essay has been published. I don't care at all about the general accepted view of the public nor whether any attention is paid to my book, although I had the wish that somebody might learn something by reading it or, in fact, get their vision widened. Thus, I hold that I am totally indifferent to any outward evaluation of my essay and my only hope is that it will bring about something good."⁴⁶⁾

I do not know how Hägerström's essay was received by the public, but I know that Hägerström after all was not "totally indifferent to any outward evaluation". Having written his book about Kant, "Kants Ethik im Verhältnis zu seinem erkenntnistheoretischen Grundgedanken",⁴⁷⁾ he conveys in a letter to his parents his satisfaction, even pride, to learn that he is now known in Göttingen, "one of Germany's most distinguished universities".⁴⁸⁾

This can be contrasted with what Landquist reports about the reception of Hägerström's book in Uppsala. The rector of the University made the complaint that it was a scandal that the Professor in philosophy, Kurre Geijer, had not read the book of the illustrious lecturer in philosophy.⁴⁹⁾ Hägerström's own attitude towards Geijer is shown by the following incident, taking place in Geijer's home, where Landquist and Hägerström were present. Geijer started a conversation about Kant. Whereupon Hägerström grabbed a big directory from a shelf and concentrated upon reading it, until Geijer had finished his talk.

It must be stressed that the true philosopher for Hägerström is the man who passionately and sincerely strives for truth.

"The philosopher, the true philosopher, is distinguished from other men, not by getting closer to the truth, but by the fact that the love of truth is glowing in his soul in contrast to the coolness in other people. These people are content with bits of truth, the philosopher by contrast

46) Waller, p. 122. From a letter written April 1898. Hägerström's emphasis (my translation).

47) Uppsala 1902.

48) Waller, p. 176.

49) Landquist, p. 131.

is not satisfied with bits of truth but wants the whole truth, he spreads his wings in search of the whole truth in its eternal radiance."⁵⁰⁾

Hägerström never changed his view of philosophy. For him - as for Plato - the genuine philosopher is the person whose passion it is to "strive after the whole of truth". The philosopher with his passion for wisdom or the whole of truth has "a taste for every sort of knowledge and throws himself into acquiring it with an insatiable curiosity".⁵¹⁾ When a man knows, then there must be something that he knows. Only what is real, as opposed to what is unreal, can be known. The object of knowledge then is the real, the world as it is, as opposed to the world of imagination and feeling, or to a transcendent world of ideas as postulated by Plato by his theory of forms. In this respect Hägerström departs from Plato. Hägerström rejects the Platonic notion of a world of separate forms or universals and adheres to the Aristotelian notion that universals are inherent in particular things. Basically the aim is to present a total view of the world and man's place in this Universe.

As for the role of the philosopher, Locke had written that

"'tis Ambition enough to be employed as an Under-Labourer in clearing Ground a little, and removing some of the Rubbish, that lies in the way to Knowledge; which certainly had been very much more advanced in the World, if the Endeavours of ingenious and industrious Men had not been much cumbred with the learned but frivolous use of uncouth, affected, or unintelligible Terms, introduced into the Sciences, and there made an Art of, to that Degree, that Philosophy, which is nothing but the true Knowledge of Things, was thought unfit, or uncapable to be brought into well-bred Company, and polite Conversation. Vague and insignificant Forms of Speech, and Abuse of Language, have so long passed for Mysteries of Science; And hard or misapply'd Words, with little or no Meaning, have by Prescription, such a Right to be mistaken for deep Learning, and Height of Speculation, that it will not be easie to persuade, either those who speak, or those who hear them, that they are but the Covers of Ignorance, and Hindrance of true Knowledge. To break in upon the Sanctuary of Vanity

50) Waller, p. 175. From a letter to Esther, December 1898.

51) Cf. Plato, *The Republic* (translated by F.M.Cornford) Oxford 1966, p. 187 (V 485), and p. 178 (V. 475).

and Ignorance, will be, I suppose, some Service to Humane Understanding."52)

Hägerström would agree with Locke, but he never conceived the function of the true philosopher to be solely an under-labourer. His function is also to be a lay-preacher, leading people towards the truth. In this Hägerström resembles his father. But the gospel which Hägerström preaches is different. It is essentially the possibility of salvation not in virtue of a saviour but through the improvement of human understanding. Man can be free by understanding the true order of nature and by the use of reason man is able to detach himself from superstition and ignorance and from the blind hatred, which superstition and ignorance engender, thus attaining happiness and dignity. Like Spinoza, Hägerström's purpose is to teach people to think realistically and rationally about social and moral problems, and to discard moral and religious prejudices.

Since 1904, owing to Professor Burman's illness, Hägerström held for long periods his post and gave lectures on burning issues such as Socialism. In a letter to his parents he writes,

"I now lecture on Socialism, and the theatre is mostly crammed with people, including many Socialist students. Yet the crux of the matter is not to judge whether Socialism is right or wrong, the point is really to investigate what kind of ideas are involved in modern Socialism, to return to the pot in human nature, where the Socialist food is cooked, in a single phrase: to understand Socialism. Thus, you do not have to fear that I shall end up as a Socialist. For a philosopher, as a matter of fact, practical affairs as such are unimportant. He rather devotes himself to his studies and strives only for understanding the truth of the matter, and grasp the inner coherence in what happens."53)

Hägerström was deeply interested in political and social problems but his attitude was that of the keen observer not that of the active participant. His comment on the general strike and lockout in Sweden 1909 is re-

52) John Locke, *An Essay Concerning Human Understanding* (edt. P.H. Nidditch) Oxford 1975, *The Epistle to the Reader*, p. 10.

53) Waller, p. 177. From a letter written November 1904. Hägerström's emphasis.

vealing in that respect. In a letter to his mother he writes,

"The general strike, however, is a valuable lesson for the workers, they are taught that it is by no means an easy task to overthrow a society, which is based upon an ancient legal order. Let this be the lesson to the workers that it is of no avail to proceed in thoughtless actions, if they wish to conquer something. Bearing this in mind the general strike may be of great significance for the whole society by bringing about a more peaceful labour market."⁵⁴⁾

Hägerström in his lectures tried to supply his listeners with the information necessary for successful actions. Having acted as a substitute for Professor Burman for many years, he was finally - in 1911 - elected to the post as a professor of practical philosophy. Hägerström received the good news when taking a walk in Uppsala. His only thought was to inform his wife, so he rushed home, rang excitedly the bell, and when his wife opened the door, he just proclaimed "called".⁵⁵⁾

The fact that Hägerström was nominated a professor without his applying for the post is rather significant. Once Hägerström applied for this chair but was rejected. In 1906 his application for a chair in Lund was also turned down, although this time his qualifications were duly acknowledged. Now, on the advice of Professor Geijer, his former opponent, he was elected, because he fulfilled the condition "to be deservedly considered to be appointed in preference to any other Swedish man who can be thought of fulfilling the professorship".⁵⁶⁾ Waller reports that her father was very cheerful and lighthearted on receiving the news, especially since it was by no means obvious that he would be nominated. There were other candidates for the post and Hägerström was well known for holding radical views which might prevent his nomination.

So, small wonder that Hägerström, once an apostate, now a resurgent felt that he was rehabilitated. His suffer-

54) Waller, p. 185. From a letter of 23rd August 1909.

55) Waller, p. 187.

56) Waller, p. 186. Cf. above p. 21.

ing had not been in vain, and his calling was proof of his salvation. Now was the time to do things in the service of mankind.

Hägerström's inaugural lecture was held on 18th March 1911 and later published as "Om moraliska föreställningars sanning". I shall deal with the substance of his lecture later. In concluding this chapter I shall offer some views concerning Hägerström's style of lecturing as reported by some of his former pupils.

9. Hägerström's Style and Impact

Hägerström's method of lecturing - as a young lecturer around 1900 - was most remarkable, Landquist reports.⁵⁷⁾ Hägerström was a very shy person, and he tried to evade standing face to face with his students. Thus, Hägerström would sit in his chair, with his back to the audience, reading aloud from his well-prepared lecture-notes covered in a black oilcloth wrapper, and never glancing at the students. His lectures, however, made a deep impression. His voice was distinct, sharp and sensuous, and certain sentences were stressed passionately and very energetically. And he had always something shocking to tell. Thus, in his character sketch of St. Paul he would say that St. Paul was a homosexual, and this was the reason why St. Paul talked of a thorn in the flesh.

When students sat for their examination, which took place in Hägerström's house, he would let them sit in one room, while Hägerström himself occupied his adjacent study, asking them questions. Hägerström himself never appeared, except once, it is reported, when a student, answering a question about the philosophy of Plato, explained that Plato was a materialist, Hägerström then became visible in the doorway and scrutinized with a piercing look the

57) Landquist attended Hägerström's lectures on philosophy of religion in 1902, and he also took private lessons with Hägerström in order to pass his exam in philosophy. Landquist's doctoral thesis submitted to the University of Uppsala was rejected. When Landquist in 1930 applied for a professorship in Lund, he was declared unqualified by the committee, where Hägerström was a member.

candidate. Hägerström would face-to-face judge the kind of human being who could say such a thing.

Thus, Hägerström was considered to be a peculiar man, surrounding himself with an atmosphere of mystery and magic. This, perhaps, was instrumental for creating "the Myth of Hägerström" as exemplifying the true philosopher: indifferent to the world around him, intensely occupied with reading books on philosophy. He was renowned for his logical acumen. His penetrating mind would penetrate the darkened superstitions and prejudices of other thinkers with the most striking outcomes. The implications of his own views were sometimes left somewhat obscure, except for his admirers. Hägerström was a powerful persuasive and domineering man, and the intensity of his own presentation and the compelling force of his own views communicated themselves to his followers and made demands on them to adjust their views to him. His personality was characterized by a stern and serene kindness which sometimes turned out to be more benignant and charitable, particularly in relation to persons he approved of. But he could also be very malicious and frantic. Especially he showed immense hostility towards persons whose opinions he disapproved of. When Hägerström acted as a critic at the public defences of doctoral theses, he would give his opponents a withering look, and approach their work with violent animus. In such he could behave as "Jupiter tonans".⁵⁸⁾

As a professor, Hägerström's lectures were also of a peculiar nature. The lecture room faced the Cathedral. It was fitted with tiers of rising seats facing the lecturer's table, and the entrance to the room was in a corner, where the seats were at their highest which had the effect that the lecturer was not visible until he advanced to the middle of the room. Anders Wedberg reports that the audience was made up of a small, but loyal group of

58) Landquist, p. 131.

eight to ten people, mostly older residents in Uppsala who were on friendly terms with Hägerström, and two or three students.⁵⁹⁾ While waiting for the lecturer to begin the students were sitting talking to each other or looking at the doves flapping around the Cathedral. Suddenly a low voice was heard from the lecturer's table. There he was sitting, with the grizzled hair combed back and the pincenez wedged to his nose, reading aloud from a thick bundle of lecture-notes. The lecturer would start without any ceremonies. Hägerström never greeted his audience and would hardly look at them. If he ever raised his eyes from his notes, he would only glance at the doves, and not have an eye for the audience.

As a teacher Hägerström was certainly different, another of his pupils, Folke Schmidt reports. Hägerström "was a small thin man with a big head of hair like that of some of the young men of today, and that was something very unusual in those days. He was not grey although at that time he was close to 65. As in addition he had a high-pitched voice, he made a feminine impression. When reading his lectures he sat with his head bowed deep over his manuscript, never looking up. His audience was no ordinary one, at least not to a person used to the large classes at the faculty of law. There were usually about twelve persons present and of these only two or three seemed to be students attending as part of their professional training or for the purpose of passing their examinations. The rest were people of mature age who appeared to have followed Hägerström's teaching from year to year."⁶⁰⁾

In contrast to his extreme shyness was the fervour and conviction of his presentation. Olivecrona says that Hägerström

"captured the attention of the listeners by the intensity of his delivery; and he led them with convincing clarity⁶¹⁾ through the most intricate of philosophical labyrinths."

One can compare this report with that of Folke Schmidt who writes that

"Hägerström's lectures were not easy to follow, at least not for me, whose knowledge of Kant and the other great

59) Wedberg entered the University of Uppsala in 1931 to study law, and attended Hägerström's lectures in 1931-32 and 1932-33.

60) Folke Schmidt, The Uppsala School of Legal Thinking, in Scandinavian Studies in Law, vol.22, 1978, p. 151 ff., at p. 152.

61) Karl Olivecrona, In Hägerström, INLM p. XXXVI.

philosophers of the 18th and 19th centuries came mostly from second-hand sources."62)

Wedberg also reports that he

"cannot recollect that Hägerström ever gave the impression of entertaining any doubts about the correctness of what he was saying, or that Hägerström would indicate that he was talking about subjects, which he was not familiar with, or that Hägerström would call attention to possible objections to his own views, objections which he did not know how to counter. He preached a gospel, its truth and perfection were for him unshakable and obvious, and it was his firm belief that this view had great consequences for our way of thinking as well as for our whole life."63)

The lecture would finish on the dot, Hägerström would leave the lecture-table still talking and finish - in the invisible doorway - with some striking remark which would puzzle his audience.

It would be inconceivable to interrupt Hägerström during the delivery of his lectures. But it happened that Hägerström went for a walk or had a cup of coffee at a confectioner's, surrounded by a band of loyal disciples. After a while Wedberg belonged to this group, where it was possible to put questions to Hägerström. Wedberg writes that he "cannot recollect that Hägerström ever entered into a discussion with the group. When asked a question, Hägerström would answer by giving a short lecture. The Socratic method of discussion was completely alien to Hägerström's temperament."64)

Hägerström's seminars were conducted in a similar way, Wedberg reports. Each term a book or two were chosen for discussion. Wedberg mentions Bergson's "Les deux sources de la morale et de la religion", and his most vivid impression of these seminars is that

"Hägerström thought that the authors in almost every respect were completely at fault. In his seminars he showed himself to be tainted with a, for most academics, not uncommon trait: he had a liking for having his own views echoed by his pupils."65)

Wedberg's account may be compared with Olivecrona, who writes that

"in his seminars, however, he was perhaps at his best as

62) Folke Schmidt, *ibid.* p. 153.

63) Wedberg, p. 27-28.

64) Wedberg, p. 28.

65) Wedberg, p. 28.

a teacher. Usually a recent book was to be discussed (e.g. Pound's Introduction to the Philosophy of Law or Kelsen's Allgemeine Staatslehre). Hägerström would often pick up a thread somewhere at a point that might seem to be of secondary importance; he would put a question that seemed to be innocuous; but the answer occasioned a further question, and in a few steps he was at the core of the problem, having approached it from an unexpected angle."⁶⁶⁾

But, of course, Olivecrona was a true pupil of Hägerström, while Wedberg's relationship to Hägerström became problematic. Wedberg came to the conclusion that Hägerström's views were wrong, and he openly said so in a rejoinder to Lundstedt, another devoted disciple. Lundstedt's attitude is very revealing. He writes

"In 1934, I was impudently attacked in a paper by two brash youngsters, graduate students of philosophy (now both of them professors of philosophy), who reproached me, among other things, with misinterpreting Hägerström's thoughts on law. I did not feel that these two cocky boys rated an answer; but when Axel Hägerström suggested he would answer in my stead I agreed of course."⁶⁶⁾

Wedberg - like Ingemar Hedenius who was also a dissenter - was met with hostility and polemics.⁶⁷⁾

What was important to Hägerström was philosophy, and the proper way of doing it. The proper way of doing philosophy was only Hägerström's way of doing it, this was a moral matter for him and he demanded that others shared his way and standards of doing philosophy. In this respect he was uncompromising. It is claimed that it was a characteristic trait of Hägerström that he was committed to a relentless self-criticism of the presuppositions of his own philosophy.⁶⁸⁾ This may very well be true, when Hägerström was not engaged in disputes. In this case he was perhaps capable of seeing the difficulties of his subject-matter and capable of pointing out the vast background of ignorance against which Hägerström's contribution to philosophy must be measured. However, when engaged in dispute, or faced with opposition, it is my opinion that Hägerström was ada-

66) A.V. Lundstedt, *Legal Thinking Revised*, Stockholm 1956, p. 7.

67) See Axel Hägerström, "Ein Stein, Ihr Herren, ist ein schlechtes Argument", in *Fönstret*, 1934, p. 3.

68) E.g. by Konrad Marc-Wogau, *Studier till Axel Hägerströms Filosofi*, Falköping 1968, p. 17.

mant that his claims were the correct claims which must be unswervingly adhered to.

Hägerström resigned from the chair in 1933. Immediately after the delivery of his valedictory lecture "Natural Law in Legal Science", he left the crammed lecture-hall, so he was not present for the tribute to him to be presented by the Rector of the University. The Rector had to give his speech later. Having resigned did not entail that Hägerström stopped working. He still carried on his studies in Roman law until his death on 7th July 1939 of a heart attack. When he was taken semi-conscious to the hospital he whispered "I wonder how my work will get on now".⁶⁹⁾

In the following chapters I shall present and examine Hägerström's work and way of doing philosophy.

69) Waller, p. 213.

Chapter II

Axel Hägerström. His Works and Philosophical Development

"Endless volumes, larger, fatter
 prove man's intellectual climb
 but in essence it's a matter
 just of having lots of time."*

1. Introduction

Hägerström spent his life reading and writing. Preparing his book "Der römische Obligationsbegriff" he read practically "the whole body of Classical literature in the original language".¹⁾ In his lectures

"he moved freely and easily from the philosophical classics - which he seemed to know by heart - to the history of moral, religious, and legal phenomena, to the abstractions of "Begriffsjurisprudenz" (i.e. Conceptual Jurisprudence), to the theories of value propounded in economics, and the theory of knowledge in physical science. In every direction he found evidential support or illustration for his own doctrine."²⁾

Thus Hägerström is committed to the requirement of an inductive method, that is the task of a philosopher is to be an ardent collector of raw materials from other writers, and his duty is to determine, whether this material can be put into a coherent intellectual framework in contact with reality. As I see it, Hägerström's inductive method is to be taken in a procedural fashion in the sense that the gathering of data should precede the formulation of the theory. The data for the philosopher are concepts and judgements as expressed in words and sentences. For Hägerström the historical dimension of concepts used in judgements is quite decisive. It is important to refer to the historical development of the thoughts behind words and sentences. The starting point is meanings of words, as

* Editorial, The London Times Literary Supplement, 28th December 1967. Quoted from The International Thesaurus of Quotations (compiled by R.T. Tripp), Harmondsworth 1970, Sec. 91, No. 61.

1) Waller, p. 29.

2) Wedberg, p. 28.

reflected in everyday or scientific use, and the aim is to determine whether there are thoughts behind this practice of using words or not. Words, for Hägerström, are empty sounds, when they do not signify the thoughts of the speaker.³⁾ Philosophy then is a scientific discipline, which proceeds from concepts and judgements expressed in words and sentences to a detailed description of whether there are any thoughts behind words and sentences. The method to achieve this purpose is to analyse words and sentences in order to find out, what we really mean by the words in common or scientific (i.e. wissenschaftlich) language.⁴⁾ For Hägerström, this work of clarification or analysis is essential for the advancement of knowledge or science, because the concepts expressed by such words as e.g. "right", "duty", "knowledge", and "reality" may be riddled with contradictions. And concepts which are self-contradictory are useless concepts, since they apply to nothing. For Hägerström, such concepts as "right and duty" are riddled with contradictions, and strictly speaking devoid of cognitive meaning. In this way Hägerström's inductive method can also, I think, be taken in a logical fashion, that is to say, any sound philosophical theory should be supported by the data. And the data are human thoughts and feelings manifested in empirically given expressions such as words and sentences. The wealth of historical data supplied by Hägerström from his extensive studies of other writers is used to corroborate his own theory that the prevailing theories of knowledge, morality and law have no merits whatsoever. The traditional philosophy has nothing to offer and Hägerström conceives his mission to expose their errors, and offer the only true view concerning the structure of the world. There is a distinction between the

3) Cf. Hägerström, PR p. 56.

4) It is to be noted that Hägerström uses the word "science" in the German sense of "Wissenschaft", which is broader in scope than the English "science", covering natural science as well as the human studies, e.g. religion, ethics, and law. "Science" then covers any kind of disciplined research that aims at knowledge and it suggests gaining information about the real nature of things.

way the world is and what we say about it, and Hägerström's claim is that what he says about it is true. Hägerström, like Bacon,⁵⁾ takes all knowledge to be within his province and claims to present the only tenable view concerning knowledge and reality. But this is to anticipate. What I wish to do in this chapter is to present Hägerström's writings published during his life-time, in section 2. Section 3 is about his writings published posthumously. In section 4 I shall mention some commentaries on Hägerström's work. Finally, in section 5, I shall indicate the scope and plan for my approach to Hägerström's philosophy.

2. Hägerström's Writings Published during His Life

Hägerström's literary career began in 1893, when he published his doctoral thesis on Aristotle, "Aristoteles etiska grundtanker och deras teoretiska förutsättningar".⁶⁾

The personal crisis Hägerström underwent brought about that he lost his former faith in God's grace as the only means to reach virtue and truth. Hägerström's choice to study philosophy rather than theology meant that he formally disavowed his former error that man without God is vicious and blind. Instead Hägerström turned into being an avowed atheist for the rest of his life. Hägerström thus opposed Lutheran orthodoxy and its theological subtleties. Although Hägerström now insisted on his independence from Christian thought, he was still close to Lutheran and Pietist thought on one basic point, viz. that practical philosophy is a central matter for serious reflection, since it is concerned with instructions for man's life in society. Hägerström's concern with practical philosophy thus reflects his religious upbringing.

What is the foundation of morality? For Lutheranism and Pietism the answer is that the foundation can only be found in the Bible. For Luther the only true moral rules

5) Cf. Bacon, "I have taken all knowledge to be my province", from a letter to Lord Burleigh. Quoted from the Concise Oxford Dictionary of Quotations, Oxford 1975, p. 15.

6) (Aristotle's Ethical Ideas and Their Theoretical Presuppositions)

are divine commandments, and these moral rules have no further justification than as being the commands of God. What is good and what is right are defined in terms of what God commands, and to question his commands of what is good and what is right is sinful. To be before God in fear and trembling as a justified sinner is what matters. Human reason and will are enslaved by sin, and cannot function as a foundation for morality. What can function as a foundation is only faith in God, who is both infinitely powerful and infinitely good, and human beings are only saved by God's grace bestowed upon the faithful. The true believer is at all times at once a sinner and justified. His sins are never abrogated, but his faith ensures that they cease to count against him. This is Luther's doctrine of justification by faith alone, which was preached by Hägerström's father. Luther's mission was a protest against philosophy, which is an excellent thing in its own place, but a very harmful thing when its categories are transferred into the different realms of divine things. Philosophy is tied to the empirical world; theology is tied to the non-empirical world, the Heavenly Kingdom. And only confusion can arise if the boundaries of these two realms are blurred.

Concerning the fundamental questions about proper conduct in social and political life Luther treats the New Testament as the final authority. He also claims

"that the political stance which is actually prescribed in the New Testament is one of complete Christian submission to the secular authorities, the range of whose powers he crucially extends, grounding them in such a way that their rule can never in any circumstances be legitimately resisted. The articulation of these principles involved no appeal to the scholastic concept of a universe ruled by law, and scarcely any appeal even to the concept of an intuited law of nature; Luther's final word is always based on the World of God."⁷⁾

Luther's approach is exemplified by Hägerström's father. His mother represents the pietist approach, which also stresses that the nature of human understanding determines

7) Quentin Skinner, *The Foundations of Modern Political Thought*, vol. 2. *The Age of Reformation*, Cambridge 1978, p. 19.

what we can think and what we cannot think. There are limits to human understanding, and in the last resort truth can only be found in the Bible as made clear by divine illumination. Pietism stresses the affective and conative elements of human nature as essential to true faith at the expense of the cognitive elements. For pietism practical philosophy is central and what is stressed is that will is independent of intellect. What matters is that Christianity is a practical faith rather than an intellectual belief, and that this faith expresses itself in love. This again implies that the aim is not so much intellectual conviction but rather the aim is to win the allegiance of the whole man and his personal participation in activities inside and outside the church. The true faithful believer is committed to the dignity of his profession, and what is emphasized is the standards of life and conduct in accordance with the commandments of the Bible rather than purely academic achievements. Due to the influence of E.O. Burman, Hägerström was apposed to this doctrine and his new conversion, stressing the intellectual powers of man, made it imperative to look for another foundation of morality.

Hägerström turned to Aristotle as "the philosopher" or "the father of atheists and fanatics".⁸⁾ Perhaps the reason is that Aristotle had no conception of an authoritative theology to justify God's ways to man and could perhaps be counted as an ally in the fight against pietist thought.

Aristotle stresses that moral virtue is due to man's rational control of his desires. The highest virtue for man is, according to Aristotle, theoretical wisdom, that is an activity of which man is capable because of something divine in his nature. Man's highest function is thought about objects, which cannot be other than what they are and so never change. I think that this is a reason for Hägerström's choice to write his thesis about Aristotle's ethical thinking or practical wisdom and its relation to theoretical

8) See Richard H. Popkin, *The History of Scepticism from Erasmus to Spinoza*, rev. ed., London 1979, p. 29 for this label attributed to Aristotle.

thinking or wisdom. It is a common theme in Hägerström's philosophy. Another reason is perhaps the new interest in Aristotelian realism by philosophers such as Adolf Trendelenburg and Franz Brentano.

In his preface to his thesis Hägerström claims that Aristotle's ethical theory must be seen as a reaction towards Plato. Aristotle's aim is partly to advance a concept of matter, through which a teleological explanation of the world becomes possible, partly to base his ethics on individual self-determination.

Hägerström's inquiry into Aristotle concerns the problem of knowledge and the problem of ethics. Hägerström accepts Aristotle's solution concerning the problem of knowledge, that is knowledge is knowledge of the universal and the real as they exist in concepts. But Hägerström does not accept Aristotle's ethical theory. Ethics is, according to Hägerström, the science, which determines human conduct, through which the human good for the individual is acquired. The ethical problem is to explain the possibility of such conduct aiming at the good for man. So far Hägerström follows Aristotle. But Hägerström thinks that Aristotle's failure is his lack of sense for the essence of individuality, the characteristics of which is the universal-will.⁹⁾

Hägerström rejects Aristotle's ethical theory, because

9) Cf. Hägerström, *Aristoteles etiska grundtanker*, p. 158 and 190. - I am not quite sure what Hägerström has in mind by "the universal will", whether he is thinking of an individual's rational will (his principles and aspirations in so far as they form a coherent system) or whether he is thinking of the will of all individuals as such (the laws and conventions of the individual's community). There is perhaps a close connection between the individual's rational will and the social order within which he acquires that will, so Hägerström's claim is perhaps that man's rational will is the universal will manifested in him. So conceived Hägerström's claim is, I think, that a man is good, when he is moral and he is moral, when his actions are conformed to and embody a good will, that is a universal will, where the end is an end for all of us, cf. F.H. Bradley, *Ethical Studies*, 2nd ed., Oxford 1927, p. 144. (The 1st edition of that work was published in 1876, Hägerström's thesis in 1893, so Hägerström might have read it. The common source is, of course, Hegel).

Hägerström charges it with circularity. Aristotle defines the virtuous man as the man whose reason determines his bodily feelings or desires. On the other hand man's feelings and desires determine his reason.¹⁰⁾

According to Hägerström's understanding of Aristotle, there cannot be a conflict between man's reason and man's feelings or desires. There is, however, such a conflict. This is another basic theme in Hägerström's writings. Since Aristotle's theory is silent on this aspect, it must be discarded. Aristotle tries to unite a rationalistic and empirical approach to ethical problems. In the end he fails. The merit of Aristotle's theory is, however, to stress the objective point of view, which is tied to reality.

In his next books, "Undersökning av den empiristiska etikens möjlighet med särskild hänsyn till dess moderna huvudformer",¹¹⁾ and "Om den moraliska känslan och driften såsom förnuftiga",¹²⁾ both published in 1895, deal with the same themes. These two books form a unity and are based on the same methodological principle, viz. the critical examination of historically given philosophical claims in the light of considerations implicitly contained in these claims with a view to developing a rational response to them. The task of the philosopher, as conceived by Hägerström, is to follow the philosophical claims to their conclusions, in order to determine whether these conclusions reveal inadequacies or contradictions. In order to accomplish this task the philosopher must not put forward his own conception as a measuring-rod for criticism. Instead it is necessary that the critical philosopher is familiar with or absorbs the basic thoughts of the philosopher to be scrutinized, in order to establish their internal relationship.

"No philosopher tears himself away with impunity from the chain which connects the first and the latest stage in the

10) Whether this is a justified critique of Aristotle's theory, I leave aside.

11) (An Inquiry into the Possibility of the Empiricist Ethics with Special Regard to its Modern Representatives), Uppsala 1895.

12) (On the Moral Sense and Instinct as Rational Phenomena in the Principal Forms of Modern Rationalism), Uppsala 1895.

progressive development of mankind's philosophical thought."¹³⁾ The advancement of philosophical knowledge only makes progress through criticism, either by the philosopher's own self-criticism of his thoughts or by the criticism of these thoughts by another philosopher. In this way the philosopher is concerned with progress towards a more perfect system of concepts. To believe in progress is to believe that there is or can be movement in a desirable direction. And the desirable direction is, according to Hägerström, the improvement of man's ability to think for himself.

Hägerström's inquiry into practical philosophy in the books mentioned is to state a definition of the key terms of empiricist philosophy and rational philosophy and their relationship to the essence of goodness. According to Hägerström's definitions, an empiricist philosophy is characterized by its conception of the given reality as a sensuous reality without any necessary unity. It is subdivided into a dogmatic empiricism, the philosophers mentioned are Locke and Berkeley, and a critical empiricism, the example is Kant. Opposed to this philosophy is the rationalistic philosophy, characterized by its conception of reality as reasonable reality, which has an immanent necessary unity. This philosophy is again subdivided into a dogmatic version, the examples mentioned are Plato (his dialogues the Sophist and Parmenides), Spinoza, and Leibniz, and a critical version, the examples are Kant, Fichte, Jacobi, Schleiermacher, Hegel, and Boström. In the ethical sphere, the essence of goodness is conceived by empiricism as something entirely relative or sensuous, determined by the sensuous nature of man. In contrast to this, rationalism conceives the essence of goodness as a determinate good as such, i.e. a rational good, independent of and determining the conduct of men in the sensible reality. The essence of the good for man is

13) Hägerström, Undersökning av den empiristiska etikens möjlighet, Förord, "Ingen tänkare lössliter sig ostraffadt från den kedja, som sammenbinder det första med det sista i mensklighetens filosofiska främåtskridande". (My translation).

defined by Hägerström as man's independence and complete self-determination.

Having defined the concepts, Hägerström goes on to present and criticize some empiricist philosophers and their views concerning the moral principle, which determines men's actions. The philosophers discussed are Jeremy Bentham, John Stuart Mill, Leslie Stephen, Herbert Spencer, and the Danish philosopher Harald Höffding. Their principle of utility might be useful as a legal principle but it must be rejected as a proper moral principle on the ground that it is only concerned with the outward or external relationship between individuals, whereas a proper moral principle proceeds from mankind as a unity of individuals in a permanent inward or internal relationship.

Hägerström next proceeds to consider the German philosopher W. Wundt, whose perspective is higher than the philosophers previously mentioned. However, Wundt's conception of morality and the moral principle must be rejected as self-contradictory.

In the end Hägerström's claim is that empiricist ethics is an impossible undertaking. The reason why this is so lies in the nature of empiricist philosophy. It is the conception of the given reality as a sensible reality, which it is impossible to determine completely, because the character of sensible reality is contradictory and haphazard. On this foundation it is impossible to ground the moral principle to guide man's practical life. For an empiricist philosopher, moral rules can, at best, only be probable rules, whereas the true nature of moral rules is that they are necessary rules. The moral principle must have a foundation in another reality, which is elevated above the sensible reality. This reality is in contrast characterized by being a systematic, necessary and completely determined reality.

Hägerström's argument is, if I understand him correctly, that the possibility of moral knowledge presupposes another reality or another aspect of reality than the merely sensory given reality. The foundation for establishing the

moral principle must be a reality, which is non-contradictory, non-changing and possessing a complete determinate character. This is the subject-matter for Hägerström's second book, dealing with the rationalist philosophers.

What is common to these philosophers is that they all proceed from a given reality, which is conceived as a unity determined by reason. The only way to establish knowledge of whether e.g. an action is a duty or not is to appeal to reason as opposed to faith. Reason refers to man's intellectual or cognitive faculty, in contrast to the faculties of will and desire. To appeal to reason, rather than faith, is to oppose the religious view, which holds that access to grace or faith is the only true foundation for practical philosophy concerning itself with reshaping society in the direction of a more just situation for mankind.

Hägerström shares this concern but for him the foundation must be philosophy, not theology. Hägerström is not satisfied with the solutions offered by the philosophers from Kant to Hegel and Boström. It is extremely difficult to follow Hägerström's presentation of their views and his critical remarks. Hägerström claims that it is rather easy to see their faults. It is by no means easy, I think, and I shall make no attempt to summarize Hägerström's criticisms, which are expressed in the Hegelian style of prose.¹⁴⁾

Hägerström's basic criticism is that these philosophers profess to be critical rationalists. The truth of the matter is that they belong to the dogmatics. - Moreover, it is of importance to notice that Hägerström accepts that it is quite legitimate to ask questions concerning the foundation of morality. It makes sense to inquire into the ultimate nature of the good, which ought to determine men's conduct. Although the answers provided by previous rationalist philosophers are not fully satisfactory, they are not irrelevant answers as is the case with empiricist philosophers.

At this stage, as far as I understand him, Hägerström does not consider the possibility that the question "what

14) See Hägerström's own summary in PR, p. 34.

is the good" is an improper question. The question in this form implies that there is such a thing as *the good*, and this, in turn, implies that there is one and only one thing that is good. *The good*, then, is that which clears all misery away, that which can give all men a happy life, that is an "unobstructed life ... of quietness and peace".¹⁵⁾

This is the message of Hägerström's next publication, where he proclaimed his own view in the essay "Om filosofiens betydelse för människan",¹⁶⁾ published 1898. Hägerström argues that philosophy, rather than religion, is the foundation for understanding man's place in nature, and philosophy is the only way to help man to get rid of fear and spiritual bondage, which dominate man's thinking.

In this essay Hägerström presents his theory of knowledge and his theory of morality. According to Hägerström mind and values are fundamental in the world as a whole. Thus, Hägerström adheres to idealism. For Hägerström knowledge, if it is to be genuine knowledge, must be expressed in judgements, which are necessary and universally valid. Knowledge can have these characteristics only if they are found also in the objects known. This follows from the principle of causality, according to which any property residing in the effect must also have been present in the cause. The objects of knowledge must therefore be determinate, real and unchanging. This is guaranteed by the universal human mind, which is present in the minds of individuals and thus turns their experiences into knowledge. The same holds with respect to moral rules. They must be necessary and universally valid. The right way of conduct is not to obey external commands, but to follow the unwritten law in the inner life of man, that is individuals must follow the universal will, which is present in them. This universal will manifests itself in a system of philosophical principles. These philosophical principles are the founda-

15) The quotations are from a lecture Hägerström held in 1923, see PR, p. 213.

16) (On the Importance of Philosophy for Mankind)

tion for empirical experience as well as moral experience, since these principles, e.g. the principle of causality, express the necessary conditions of any possible empirical experience and moral experience.

Hägerström next with untiring energy wrote a weighty book, running to 828 pages, closely printed, on Kant's ethics, "Kants Ethik im Verhältnis zu seinem erkenntnistheoretischen Grundgedanken systematisch dargestellt", which was published in 1902.

Hägerström had worked on writing this book for several years. Waller reports that when Hägerström visited his fiancé Esther on 5th June 1899 to plan their wedding taking place on 28th June, Esther shortly afterwards wrote to a friend of hers, "if I could only find a good hiding place for his favourite philosopher Kant's old folios, I'll hide them, at least for the duration of our honeymoon".¹⁷⁾ It is not reported whether she had any success. But the fact that Hägerström spent many years writing this book may explain the great length to which it finally extended.

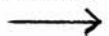
It is difficult to summarize the contents of the book. I shall only draw attention to Hägerström's aim of understanding the relationship between Kant's epistemology and his moral philosophy. Hägerström "wished, without criticizing him (i.e. Kant) in the least, to set forth my view of what he (i.e. Kant) had really meant".¹⁸⁾

Hägerström's own view is based upon the methodological principle that Kant meant what he said. The task for Hägerström is then to discover and describe the true meaning of Kant's thoughts based upon another methodological principle that we must fully absorb ourselves in Kant's thoughts. The only way to show that we understand what Kant really means is to study his concepts and judgements expressed in words and sentences in the context of the whole structure of Kant's doctrines.¹⁹⁾

17) Waller, p. 161.

18) Hägerström, PR p. 35.

19) Cf. Hägerström, Kants Ethik, p. IV, "Nun liegen die Verhältnisse



In order to accomplish the task of understanding what Kant really means we must

"mit aller Kraft danach streben, jede Wertschätzung der leitenden Gedanken des behandelten Denkers von den historischen Betrachtung fernzuhalten."²⁰⁾

Hägerström's point is, if I understand him correctly, that to understand Kant's doctrines is one thing, to understand the age, in which Kant wrote his books, is quite another thing. There is no doubt, Hägerström writes, that every individual is a child of his time, and so is a philosopher.²¹⁾ Every thinker, then, is influenced consciously or unconsciously by the social, political and cultural conditions of his day. What matters, however, when we wish to arrive at a better understanding of Kant's doctrines is not so much to relate it to the cultural background but rather to pay attention to Kant's doctrines on their own account and examine them critically by considering their basic or guiding thought. The task for the critical philosopher is to know the end of Kant's doctrines, that is Kant's ultimate guiding thought, and when this thought is grasped there is a clear programme for considering the specific claims which Kant makes. Carrying out this programme we must do our thinking for ourselves. In Hägerström's own words

"Es ist für eine solche Erkenntnis (d.h. von der Gedanken-

19) (continued) indessen so, dass bei Kant, wie bei jedem tiefgehenden Denker, die einzelne Äusserung, besonders wenn sie von tieferer Bedeutung für das System im Ganzen ist, eben durch den Zusammenhang, in dem sie vorkommt, bestimmt ist. Wird der Zusammenhang fortgelassen, so bleibt der einzelne Satz in einem Gedankensystem in Wirklichkeit hinsichtlich seiner Bedeutung unbestimmt, so dass in ihn ganz anderes hineingelegt werden kann, als was gemeint ist. Dabei ist das Unvermögen der Sprache, sich völlig einem Denken anzuschmiegen, das sich nicht bloss mit dem sinnlich Darstellbaren beschäftigt, von grosser Bedeutung. Dieses Unvermögen muss eben durch die nähere Bestimmtheit ersetzt werden, die Ausdrücke und Sätze durch ihren Zusammenhang erhalten."

20) Hägerström, Kants Ethik, p. IV.

21) Hägerström, Kants Ethik, p. VII, "Weiter ist zu beachten, dass, wie man sagt, jedermann Kind seiner Zeit ist". The phrase "wie man sagt" refers, I think, to Hegel, cf. Hegel's Philosophy of Right (translated, with notes by T.M. Knox) Oxford 1952, p. 11.

welt eines Philosophen) notwendig, dass man selbständig den leitenden Gedanken in dem eigenen Bewusstsein aufspriessen lässt."22)

According to Hägerström the task is to uncover the guiding thought behind Kant's doctrines in order to increase our knowledge of the internal unity of Kant's doctrines and his specific claims. We must examine Kant's claims in the light of his basic thought in order to establish whether the claims are consistent or inconsistent with his basic thought. This is the criterion for the truth of the claims put forward. In Hägerström's own words,

"man muss fordern, dass wirklich ein einheitlicher Gedanke derart nachgewiesen wird, dass Kants eigene Darstellung, wie sie Punkt für Punkt verläuft, sich durch denselben als ein zusammenhängendes Ganzes begreifen lässt."23)

For this purpose Hägerström thinks that the method used in natural science is inadequate. There is, Hägerström says,

"eine übertriebene Tendenz, die naturwissenschaftliche Methode auf alle möglichen Gebiete anzuwenden. Wenn ich auch durch Analyse eine chemische Zusammensetzung kennen lernen kann, wenn auch das physische Leben auf analytischem Wege auf Grund der chemisch-physikalischen Prozesse, auf die es zurückzuführen ist, erkannt werden kann, so ist es nicht gesagt, dass man in die Gedankenwelt eines Philosophen durch ein Zerpflücken und Zusammenstellen seiner Äusserungen Einblick gewinnen kann. Dort ist doch etwas vorhanden, das von dem Gebiet naturwissenschaftlicher Forschung verschieden ist, und das ist die innere Einheit des Gedankens."24)

The method to be used in understanding the thoughts of a philosopher is to start from the given concepts and judgements and proceed to unravel their implications by a consideration of "was in den eigenen Worten des behandelten Denkers unmittelbar ausgedrückt liegt".25)

In order to understand a philosopher's words we must also, according to Hägerström, understand his basic thought. Hägerström is aware, I think, that this method of understanding involves a circle since to understand, e.g. Kant's words, we must also understand Kant's basic thought, yet

22) Hägerström, Kants Ethik, p. IX.

23) Hägerström, Kants Ethik, p. V.

24) Hägerström, Kants Ethik, p. VIII-IX.

25) Hägerström, Kants Ethik, p. VIII.

to understand Kant's basic thought, we must have come to understand what Kant really means by his use of words that constitute his basic thought. The question is whether Kant in fact has a given basic thought, which it is then possible to look for, or whether we rather invent a basic thought and then attribute this to Kant by reading it into Kant's words.

Hägerström's belief is that it is necessary that there be an ultimate thought, otherwise one has no foundation for one's explorations.²⁶⁾ His way out of the difficulty presented by the question above is, in his own words,

"Die Sache ist die, dass man unwillkürlich einen Gedanken aus dem, was man liest, herausholen will, und wenn man durch das Studium nicht direkt zu einem solchen kommen kann, greift man zu Gedanken mit denen man selbst vertraut ist und erklärt das Ganze daraus."²⁷⁾

Hägerström's exposition of Kant's doctrines proceeds on the basis that Kant has in fact a given ultimate thought, which can be found if only one takes the trouble to read Kant and proceeds without any preconceived ideas of one's own. The mistake, then, is to attribute thoughts to Kant, which he does not hold.

This is the case with philosophers, like Cohen and Riehl, who studying Kant read their thoughts into Kant's doctrines.²⁸⁾ The result, which follows from such a procedure, is that Kant is presented as adhering to psychologism, that is the validity of human knowledge is found in their psychological causes and in the laws of association. This is quite illegitimate according to Hägerström. The truth

26) Cf. Hägerström, Kants Ethik, p. X, "Es ist klar, dass eine Entwicklung überhaupt nicht ihre gehörige Beleuchtung erhalten kann, sofern nicht ihr Endpunkt bereits bekannt ist."

27) Hägerström, Kants Ethik, p. IX.

28) Cf. Hägerström, Kants Ethik, p. 827, "So ist die ganze psychologische Auffassung von Kant eine gewaltsame Konstruktion, auf dem eigenen Unvermögen des Konstruierenden beruhend, in seinem Gedanken sich über eine psychologische Auffassung sei es der theoretischen oder der praktischen Erkenntnis zu erheben. Die Folge ist, dass Kants ganze Philosophie dargestellt wird, als hätte sie ihren Ursprung nicht in einem grossen Denker, sondern in vielen - kleinen."

is that the validity of human knowledge lies in its logical character, its universality and necessity, and this is also what Kant really means.²⁹⁾ Thus, the ultimate epistemological principle is the unity of pure self-consciousness as identity of subject and object.

Regarding morality, the fundamental concept for Kant is the concept of duty. Considering this concept, the question to be asked is not the psychological question, "What is the feeling of duty?", which must be left to the psychologist to answer on the basis of introspection ("innere Erfahrung"). The question, which the philosopher asks, is the question, "What is duty?", or in Hägerström's own German,

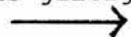
"Wir fragen also, wenn wir die Pflicht behandeln, nicht wie die Psychologen: wie stellt sich uns das Pflichtbewusstsein dar, betrachtet durch die Brille der inneren Erfahrung, sondern: was ist der Gegenstand derselben, was ist Pflicht, wessen sind wir uns bewusst? M.a.W. wir versetzen uns in die praktische Reflexion, reflektieren über die Pflicht genau wie bei unserm Handeln, obschon in grösserer Allgemeinheit. So kommen wir in die Lage, die Gültigkeit des Pflichtbewusstseins aus immanenten Gesichtspunkten zu beurteilen. Dies geschieht, indem wir untersuchen, ob zum Pflichtbewusstsein ein reiner Begriff gehört, welcher ihm Objektivität verleiht in analoger Weise, wie die Verstandeskategorie die Objektivität der Erfahrung konstituiert. Wir fragen also: was ist, verpflichtet zu sein, nicht, sich verpflichtet zu fühlen?"³⁰⁾

Hägerström's answer to this question is that the reality of duty is a moral feeling, which has a certain regular character in man's consciousness independent of arbitrary feelings.³¹⁾ Hägerström's claim is that the concept of duty

29) Cf. Hägerström, PR p. 35.

30) Hägerström, Kants Ethik, p. 253, cf. Hägerström, INLM p. 133.

31) Hägerström, Kants Ethik, p. 254, "Die Realität der Pflicht bedeutet gleichfalls eine gewisse ursprüngliche Gesetzmässigkeit im Bewusstsein, freilich nicht, wie man denken möchte, in dem wirklichen Verhältnis zwischen den Momenten der zum Begehrungsvermögen gehörenden Sinnlichkeit oder den Neigungen untereinander, sondern eine im eigentlichsten Sinne praktische Gesetzmässigkeit, d.h. eine notwendige Beschaffenheit des Willens als Willens, die darin besteht, dass er ein gewisses Prinzip unbedingt zu seinem Bestimmungsgrunde macht ohne Rücksicht auf ihn zufällig affizierende Lustgefühle. Diese Gesetzmässigkeit wird auch, wenn wir die Verpflichtung als eine Realität auffassen, als unabhängig von den zufälligen Affektionen des Willens gültig



is equivalent to "the right thing to do". And it is obvious for Hägerström that it is possible to have a science, the subject-matter of which is what in fact is the right thing to do for individuals living in a society.³²⁾

Ethics, as a scientific discipline, is based upon the principle of the ultimate value of autonomy or duty. Duty is expressed in categorical imperatives, and their reality and ground must be located, not in the sensual nature of man nor in the external circumstances of the world in which individuals are placed, but solely in a practical regularity in man's rational will. What one's obligation is follows immediately from one's rational will, that is from pure consciousness of duty as such. This constitutes the basic principle for one's actions.

To the extent that an individual is moved by impulses and feelings, that individual has only an arbitrary will or consciousness of duty. Only in so far as an individual becomes autonomous and has acquired values can the individual rationally prefer some impulses and feelings to others. When an individual has acquired a rational will and lives according to the dictates of pure consciousness of duty, then that individual is free in the sense that he accepts the moral rules inwardly, desiring the moral order for its own sake. When we say that an action is right, we are not, if I understand Hägerström correctly, expressing or giving vent to our feelings about it. We may do that, but what is of much more importance is that we are putting forward a

31) (continued) aufgefasst. Andernfalls würde sie nicht als ursprüngliche Gesetzmässigkeit aufgefasst werden, was notwendig ist, damit wir uns als wirklich verpflichtet, nicht als zufällig zu gewissen Handlungen getrieben auffassen."

32) Cf. Hägerström, Kants Ethik, p. 257, "Der Philosoph hat das Recht, sich in die praktische Reflexion bei dem Handeln selbst zu versetzen und die Realität des Guten und der Pflicht von ihrem Gesichtspunkt aus zu beurteilen. Es ist klar, dass damit die Ethik selbst als eine Wissenschaft von der Pflicht gerechtfertigt ist. Wäre man nicht berechtigt, den Menschen als tatsächlich verpflichtet, sondern nur als sich verpflichtet fühlend zu betrachten, so würde die Ethik ihres Gegenstandes ermangeln. Sie würde durch eine psychologische Untersuchung der Entstehung des Pflichtbewusstseins ersetzt werden."

rule of action, which we think is valid for anyone, who finds himself in the situation, to which the rule applies.

It follows that we are putting forward a moral judgement stating a rule of action. This judgement can be true or false. Hence it is possible to argue in a rational way about the truth of moral judgements. Ethics, as a scientific discipline, is precisely concerned with a systematic account of what to do, founded on a rational basis, not on faith in God's will.

It was Hägerström's teacher in philosophy, E.O. Burman, who introduced Hägerström to Kant. Around 1901 Burman gave lectures on Hegel's philosophy of law.³³⁾ I do not know whether Hägerström attended Burman's lectures nor whether Burman also introduced Hägerström to Hegel. But Burman's interest in Hegel may have prompted Hägerström to write another book, this time on the concept of law (Recht), "Stat och rätt. En rättsfilosofisk undersökning I", which was published 1904.³⁴⁾ Hägerström wanted to present a philosophical discussion of principles of rights and duties as distinct from the ordinary science of positive law (Rechtswissenschaft). The latter only considers positive law, but does not show or prove that particular legal rules are rational. This is the task of the philosophical science of the state, which is an immanent and logical inquiry into the concepts of duty and right. The guiding thread of this inquiry is its method, where one speaks in philosophical terms about the nature of the state and comprehends the state and its laws as something to be known as rational. The basis for this method is the possession of an epistemological principle, and this principle Hägerström takes over from his book on Kant's ethics. Hägerström's epistemological principle is the unity of subject and object in pure self-consciousness as the only logical requirement

33) Later published from a student's, Ernst Andersson Akmar, shorthand records as: Hegels Rättsfilosofi. Offentliga Föreläsningar vid Uppsala Universitet. Uppsala 1939. (Hegel's Philosophy of Law. Public Lectures held in the University of Uppsala).

34) (State and Law (Recht). A Philosophical Inquiry I), Uppsala 1904.

for knowledge of rights and duties.

Genuine understanding of his new book involves, Hägerström declares, a penetration of his former book on Kant and a mastery of Hägerström's contentions in that book. Thus, Hägerström takes it for granted that he has in his book "Kants Ethik" demonstrated the truth of his epistemological principle. His argument is that Hägerström "never has come across any critique of the Kantian epistemological principle as it is stated in the book in question".³⁵⁾

Accordingly Hägerström proceeds on this foundation, according to which any claim of knowledge is expressed in judgements, and these judgements have as such the character of a synthesis of opposites. Complete knowledge is knowledge of judgements in the coherent system, where the judgements involved are logically related to each other and are ultimately traceable to the epistemological principle of unity between subject and object.

Thus, Hägerström subscribes to the Hegelian doctrine that knowledge and its object are essentially one, meaning, I think, not that knowledge and its object cannot be distinguished, this is acknowledged by Hegel as well as by Hägerström, but rather meaning that knowledge and its object are inseparable aspects of a single experience, that is self-consciousness as a logical - not psychological - unity. This is the Hegelian theory of the Absolute Idea, which alone is completely self-consistent. For Hegel only spirit (Geist) realizes the Absolute Idea, hence it follows that reality must be spiritual. At this stage of his career Hägerström accepts this idealism, although he later was to abandon idealism in favour of materialism. What is important to

35) Hägerström, Stat och Rätt, Preface p. III, "aldrig anträffat någon kritik af den Kantiska kunskapsteoriens princip, sådan den ur skriften i fråga framgår". My translation. - I have not read any reviews of Hägerström's book, but if Hägerström's argument is that his epistemological theory is true until it is proved to be false, then his argument is fallacious. Hägerström lapses into the psychologism he otherwise so strongly criticizes, since Hägerström confounds the truth of his theory with its acceptance, and disproof of the theory with its rejection.



notice is that Hägerström firmly believes that problems concerning knowledge of reality and problems concerning concepts such as right and duty, which we necessarily use when we discuss legal and moral questions, can be resolved only if we think of reality in a certain way. For Hägerström we must think of reality as mind rising progressively to a full knowledge of itself.³⁶⁾

Hägerström's epistemological foundation for his inquiry into law (Recht) is that whatever is real is both thought and its object. It follows that a philosophical inquiry into law must consider in which sense, if any, law can be thought as real. Hägerström's objective, that is to say, is to provide a real definition of the essence of law. The essence of law is an unconditional "ought" or "duty". Whatever the state claims in the form of legal rules, it claims in the form of legal duties, which must be obeyed because they are duties, and not on account of any physical force behind the rules.

Hägerström's conclusion is that will and not force is the basis of the state. Law can correctly be characterized, as Hegel said, as the universal will, provided that the universal will is regarded not as the arbitrary will of individuals but as the rational will which is based upon the common interest. I shall comment on this aspect of Hägerström's thought in a later chapter, when I discuss his later investigation of whether positive law can be correctly characterized as an expression of will.

The title of Hägerström's book "Stat och Rätt. En rättsfilosofisk undersökning I" suggests an accompanying volume. In fact Hägerström also promised another volume, dealing with Hegel and the nature of constitutionalism. This volume never, as far as I know, materialized.

This is a rather serious matter, since Hägerström

36) Cf. Hägerström, Kants Ethik, p. IX "das Hauptgewicht (muss) immer auf eigenes freies Nachdenken gelegt werden" ... "das selbständige Durcharbeiten des als leitend eingesehenen Gedankens (muss) von wesentlicher Bedeutung für die Erkenntnis der historischen Wahrheit sein."

claims that the volume to come is vital for the correct understanding of the published volume "Stat och Rätt". If we follow Hägerström's own claim - and why should we not do this? - then a reader of "Stat och Rätt" cannot (in the logical sense) fully understand "Stat och Rätt". This is perhaps the reason why Hägerström's "Stat och Rätt" has fallen into oblivion.³⁷⁾ Another reason is perhaps more important. Hägerström rejected, in his later writings, the will-theory as the foundation of legal rules. And this theory is prominent in "Stat och Rätt".

I do not know why Hägerström did not publish the promised volume. The answer is perhaps that Hägerström thinks that there is an intimate link between epistemological questions and ontological questions. It is epistemological considerations, which determine what is real. Hence there is a vital need for proper epistemological considerations concerning the foundations of knowledge. If the choice of our starting-point for inquiries into the nature of law and morality depends upon epistemological considerations, then we must beware not to fall into error at the very start by choosing the wrong starting-point. Therefore we need to be on constant guard concerning the examination of the principles of knowledge on which we build the system of knowledge of what is real. Therefore one must be engaged in self-criticism of one's epistemology and try to improve it, if possible. Hägerström was engaged in self-criticism searching for the true and basic principle of knowledge. His effort was crowned, he believed, by the publication of - in his own words - his "most important book", expressing his "new view",³⁸⁾ concerning the foundation of knowledge, "Das Prinzip der Wissenschaft. Eine logisch-erkenntnis-theoretische Untersuchung I. Die Realität" in 1908.³⁹⁾ In this book Hägerström rejected empiricism, because its

37) Hägerström himself, however, refers to the book in a later article, see below p. 58. It is also referred to in his book on the will-theory, see Hägerström, INLM p. 27.

38) Hägerström, PR p. 37.

39) Skrifter utgivna af Kungl. Humanistiska Vetenskaps-Samfundet, Uppsala, Band XII-3, Uppsala 1908.

starting-point for acquiring knowledge is bare sense-perceptions. But sense-perceptions depend upon concepts or principles for deciding whether the reported perceptions are correct. Reason, rather than experience, is the proper starting-point. Hägerström's thesis is that the concept of reality is a logical requirement for every piece of knowledge. The way of truth is thought, and whatever is thought of exists. The criterion of truth is that reality is identical with itself, that is the relation between cognition and its objects are identical in absolute knowledge.

Hägerström thought that his book was a Copernican revolution in the theory of knowledge. I shall comment on that in chapter III. Suffice it here to notice that Hägerström's projected second volume to "Das Prinzip der Wissenschaft" was never published.⁴⁰⁾ What Hägerström did was to present his epistemological views concerning the principle of knowledge in a short dialogue in Swedish, "Botanisten och Filosofen", in 1910.⁴¹⁾

In this dialogue between a philosopher (i.e. Hägerström) and a scientist, the philosopher is presented as the person who seeks to arrive at the truth by criticizing the received opinions of scientists. According to Hägerström scientific research rests upon inarticulate assumptions which scientists do not recognize or pay attention to. It is the task of the philosopher to bring these assumptions into the open and examine them critically. Philosophy is the highest form of knowledge or science, because it alone involves no presuppositions. On the contrary philosophy is concerned with the most general principles of scientific knowledge and their justification. This justification is, in turn, based upon the principle of knowledge

40) The question is whether the sequel is vital for understanding the published volume, cf. above. If so, no wonder that the published volume has been characterized as a most difficult book, cf. Ernst Cassirer, Axel Hägerström, Göteborg 1939, p. 6.

41) (The Botanist and the Philosopher). Reprinted in Hägerström, Filosofi och Vetenskap (utg. Martin Fries) Stockholm 1957, p. 15-110.

itself, where knowledge and the object of knowledge are but two sides of a single entity, the absolute knowledge. Philosophy in short shows itself to be the theory of knowledge and the methodology of the various sciences, because philosophy is logically presupposed by every distinct science.

Hägerström presented the fundamental tenets of "Das Prinzip der Wissenschaft" in his "Selbstdarstellung" of his own philosophical views.⁴²⁾ These tenets are the refutation of epistemological idealism and epistemological realism, the assertion of the completely logical character of sensible reality, and the impossibility of metaphysics as a scientific doctrine of reality. In his "Selbstdarstellung" he also summarized his views on morality and law, to which I shall return in a later chapter. He gave another brief summary of his philosophical views for a Swedish dictionary of philosophy in 1925.⁴³⁾

Hägerström's later work on epistemology is concerned with Einstein's theory of relativity. In a paper "Über die Gleichungen der speziellen Relativitätstheorie", published in 1937,⁴⁴⁾ Hägerström argues that Einstein is a metaphysician using words without thoughts. According to Hägerström, if we are using words without thoughts, then we cannot have a four-dimensional space-time, but only a three-dimensional space-time, involving spatial distance, time interval, and mass. Hägerström's paper was later published, in an expanded version, as "Erkenntnistheoretische Voraussetzungen der speziellen Relativitätstheorie Einsteins".⁴⁵⁾

Hägerström always believes that there is a relationship between epistemology and ethics. Hägerström's writings concerning ethics are "I moralpsykologiska Frågor" (On

42) Axel Hägerström, *Selbstdarstellung*, in Raymund Schmidt, *Die Philosophie der Gegenwart in Selbstdarstellungen*, Bd. VII, Leipzig 1929, p. 111-159. Translated into English by Robert T. Sandin and printed in Hägerström, PR p. 33 ff. and p. 309 ff. A Swedish version is printed in Hägerström, *Filosofi och Vetenskap*, p. 112-180.

43) See Hägerström, PR p. 313 f.

44) In "Adolf Phalén in Memoriam", Uppsala 1937.

45) In *Theoria*, vol. XII, 1946, p. 1-68. A Swedish version is printed in Hägerström, *Filosofi och Vetenskap*, p. 190-242, cf. below Ch. III, p. 109.

Questions of Moral-Psychology), a review of a book by the Norwegian Kristian Birch-Reichenwald Aars: "Gut und Böse. Zur Psychologie der Moralgefühle".⁴⁶⁾ In this review Hägerström maintains that there is an important distinction between moral psychology and scientific ethics. Moral psychology is an empirical discipline which has for its subject-matter the nature of moral consciousness. The method to be applied is the method of induction in order to establish the facts. Scientific ethics, on the other hand, is a philosophical discipline, which has for its subject-matter the reality of values. This discipline is concerned with the question what is the real nature of what is morally good or bad, and what is the real nature of the morally right or wrong action. The method to be applied is the method of conceptual analysis providing definitions of moral concepts used in moral judgements. Scientific ethics is based upon the presupposition that it is possible to speak of moral judgements as true or false. In a criticism of Edward Westermarck,⁴⁷⁾ Hägerström argues that Westermarck confounds the philosophical question of what must be the real moral value with the altogether different psychological question of what is the content of our moral judgements. It may be that the answer to the first question is that the real moral value ultimately refers to pleasure or non-pleasure. If it is so, it does not follow, however, that the answer to the second question is that the content of our moral judgements expresses tendencies to produce pleasure or pain.

When we put forward our moral judgements Hägerström raises the question whether it might not be the case that we mean something else than the mere expression of feelings as is Westermarck's opinion. What, then, is this "something else"? Hägerström mentions moral judgements concerning

46) Printed in the journal Psyke (Edt. Sydney Alrutz), vol. 2, 1908, p. 273-287, vol. 3, 1908, p. 85-99.

47) Hägerström refers to the German edition: Ursprung und Entwicklung der Moralbegriffe. English edition: The Origin and Development of the Moral Ideas, London 1906.

duties which do not express feelings, although it must be granted that feelings of pain and pleasure are associated with moral judgements concerning our duties. The essential feature of these judgements is, however, the expression of impersonal duties according to rules above the will of individual human beings. The essential question is to investigate what we think when we utter moral judgements concerning duties. Hägerström's review is a plea for a conceptual analysis of moral concepts where the aim is to win clarity by fixation of the concepts concerning the reality of duty. It is the passage from having the concept of duty to having a clear and distinct concept of duty. This concept functions like an anchor for our investigations into the reality of moral phenomena.

It is interesting to notice that in this article Hägerström still believes that moral judgements based upon the immediate pure consciousness of duty can be true or false. Also that he does not use the word "metaphysics" in any derogatory sense. On the contrary Hägerström takes Aars to task for his use of the word to denote faith in contrast to knowledge. Knowledge cannot be confined to objects, which we can touch, see or feel but comprises also non-sensory objects beyond all sensory experience, where knowledge is obtained by a process of reasoning.

Hägerström's position is, at this time, that what is needed is an investigation of the relationship between consciousness and reality. In doing this, the philosopher must realize that from the standpoint of epistemology, reality is accessible to an individual only as a correlate of conscious acts, and therefore careful attention must be paid to what occurs in these subjective acts and the stating of objective judgements. Philosophical analysis and clarification of the various forms of judgements must follow from the basic modes of consciousness, viz. knowing, feeling, and willing. Thus, philosophy, for Hägerström, remains close to psychology. But there is a vital difference between psychology dealing with consciousness as an empirical discipline, which is based upon induction, and a philosophical analysis of judge-

ments relating to acts of consciousness, when these acts are grasped in immediate selfgivenness and the aim is to understand and describe their essence.

In an article "Kritiska punkter i värde psykologien"⁴⁸⁾ from 1910, written to honour his teacher and friend E.O. Burman, Hägerström sets out to analyse the relationship between consciousness and objects of value. The point of departure of Hägerström's analysis is the theory, put forward by Meinong, that consciousness of value is a subjective experience of objects.

The question for Meinong is how to determine this subjective state of mind and its relation to objects. According to Meinong this subjective state of mind is that of value-feeling, which is related to objects. For Hägerström the critical point to be discussed is first, whether it is true to say that value-feelings, like judgements, may be said to be true or false. Hägerström's objection is that it is true that there can be no thinking without an object thought, no judging without an object judged about, but it is not true that there can be no feeling without an object felt. The peculiarity of feeling is that there is nothing but what is a subjective state without objectification.

Hence, it follows that the basis for moral judgements concerning what is valuable or good or moral judgements concerning duties cannot be value-feelings. The reason why is that value-feelings lack logical content, whereas judgements concerning evaluations of objects as good or bad, and judgements concerning duties do possess logical content, since they are directed towards objects. Concerning legal duty, Hägerström maintains, with reference to his book "Stat och Rätt", that the concept of legal duty cannot be reduced to the command of a social authority sanctioned with force, but that the concept of legal duty always implies a moral element, viz. the maintenance of what is right. What is right, Hägerström contends, is what is in the common interest of all individuals in a society.

48) (Critical Points in the Psychology of Value), in Festskrift tillägnad E.O. Burman, 7. oktober 1910, Uppsala 1910, p. 16-75.

In Meinong's theory of value, the basic concept is that of value-feeling. A second critical point is that the investigation of value-feeling can only be an investigation, which concentrates on the value-feeling itself, which is given in immanent experience, and its aim is to discover, whether there are any objective entities that get constituted in the value-feeling. This philosophical approach must be kept strictly apart from psychological or physiological investigations of feelings as causal phenomena.

If, in discussing the nature of feeling, one proceeds from these empirical investigations, then there is a risk of putting forward theories which have no support whatsoever, since they are not founded on the immediate experience of feeling itself.

A philosophical investigation, on the other hand, takes as its departure the immediate given experience of feeling itself, which is unique as being infallible, and the investigation is then directed at giving an accurate description of the essence of this experience of feeling and its relation to other mental phenomena.

What Hägerström presents in his article, then, is a philosophical analysis, as distinct from an empirical investigation, of consciousness and its relation to objects of value. When we investigate what actually confronts us in the consciousness of values, Hägerström's conclusion is that the experience of values is neither a subjective state of mind, nor a presentation (*Vorstellung*) of the object valued but a peculiar relationship between a subjective attitude towards the object and a presentation of the object.

Unfortunately, Hägerström does not describe this peculiar relationship any further in his article. What he wants to stress is, however, that consciousness of what is is distinct from consciousness of what ought to be. Knowledge of what ought to be cannot be reduced to what is, or natural objects, which can be touched or seen or felt, but still Hägerström believes in the possibility of knowledge concerning our moral duties.

Hägerström's inaugural lecture "Om Moraliska Föreställningars Sanning" was held on 18th March 1911, and published later the same year.⁴⁹⁾ In this lecture Hägerström changed his view.

"Science has only to indicate what is true, while it is nonsense to regard the idea of obligation as true."⁵⁰⁾

He concluded his lecture by saying that

"moral philosophy as a science is purely and simply a science of actual moral evaluations in their historical development, based on a psychological analysis and conducted by a critical philosophical investigation of the ideas which are operative therein. ... Moral science may not be a teaching in morals, but only a teaching about morality."⁵¹⁾

Perhaps the reason why Hägerström did change his view around 1909-1910 was his occupation with the theories of Marx and Engels. Engels taught that there are at bottom only two main philosophical positions, idealism and materialism. And for Engels materialism is the true view. Hägerström, I believe, followed suit and rejected his former idealism in favour of materialism. This fitted very well with Hägerström's belief in the importance of the law of contradiction as a fundamental law of reality. In this respect Hägerström parted company with the dialectics of Marx and Engels. In a series of lectures, published in 1909 as "Social Teleologi i Marxismen",⁵²⁾ Hägerström argued that in his analysis of society Marx confounds the idea of the psychological necessity whereby human beings form societies and economic systems with the quite different idea of necessity, which operates independently of human volitions, feelings, and purposes in society and causes advantageous or harmful situations for the individuals. Marx is quite right, Hägerström says, to say that man is an animal which can develop

49) This lecture is reissued in Hägerström, Socialfilosofiska Uppsatser, (Edt. Martin Fries), 1st ed., Stockholm 1939, 2nd ed., Stockholm 1966. It has been translated into English by Robert T. Sandin as "On the Truth of Moral Propositions" and printed in PR p. 77-96. Hägerström uses the word "Föreställning" as equivalent to the German "Vorstellung". - Perhaps "idea" is a better way of translation.

50) Hägerström, PR p. 95.

51) Hägerström, PR p. 96.

52) (Social Teleology in Marxism), in Uppsala Universitets Årsskrift, vol. 1909, Uppsala 1909, p. 1-72.

into an individual only in society. The important thing is man's individuality and freedom. But this individuality and freedom cannot be described in teleological terms because there is no purpose either in nature or in society. Man's individuality and his freedom consist in his understanding of necessity of the latter kind, by discovering the laws which govern nature and society independently of human will.

The notion of will looms large in Hägerström's later writings, as does the notion of natural rights. Hägerström's philosophy was conceived as providing the foundations for the existing legal and moral sciences by providing clear explanations of the concepts which the scientists use, but do not themselves explicate. Hägerström's position in his "Selbstdarstellung" was that in these sciences "metaphysics does not enter in, but rather everything is metaphysics".⁵³⁾ For instance, the definition of law as the expression of will, is considered to need such clarification, which Hägerström was concerned with in his article "Är Gällande Rätt Uttryck av Vilja?",⁵⁴⁾ published in 1916, where it is argued that law is not an expression of will but rather of interests, and his book from 1917 "Till Frågan om den Objektiva Rättens Begrepp. I. Viljeteorien",⁵⁵⁾ where the idea of duty and its relationship with will is discussed.

In his book Hägerström argues that the present state of legal science and its theories of law and legal obligation is dominated by contradictory concepts. Thus, Hägerström draws the conclusion that without observation of non-contradictory concepts there could be no coherent legal thinking.

Natural law theories and their influence on theories of punishment was criticized in an article "Naturrätt i

53) Hägerström, PR p. 68.

54) (Is Positive Law an Expression of Will?), published in Festskrift tillägnad Vitalis Norström, Göteborg 1916, p. 171-210, translated into English by C.D. Broad and printed in I, Ch. II, p. 17-54.

55) (On the Question of the Notion of Law. I. The Will Theory), published in Skrifter utg. af Kungl. Humanistiska Vetenskaps-Samfundet i Uppsala, vol. 19:2, Uppsala 1917, translated into English by C.D. Broad and printed in I, Ch. III, p. 56-256. Part of this translation is reprinted in Hägerström, PR p. 97-172.

Straffrättsvetenskapen"⁵⁶⁾ from 1920. Hägerström returned to this theme in his article "En Straffrättslig Principundersökning",⁵⁷⁾ published shortly before his death.

Kelsen's theory of law was rejected as absurd in Hägerström's review of Kelsen's *Allgemeine Staatslehre* in 1928.⁵⁸⁾ - In a review "Till Frågan om Begreppet Gällande Rätt"⁵⁹⁾ from 1931 of Ross' *Theorie der Rechtsquellen*, Hägerström maintains that Ross has set himself an impossible task, viz. that of combining facts and values, or reality and ought. For Hägerström the idea of valid law in the sense of obligatory rules is a magical idea, and the concept of valid law must be analysed in terms of social-psychological facts. This is precisely what is wrong with Kelsen's theory. Kelsen does not allow legal science to have anything to do with actual social existence, and Ross is criticized for following Kelsen. Although Ross tries to come to grips with the actual living reality he fails in the end.

It was Hägerström's contention that the modern concepts of law and duty have their roots in traditional ideas of mystical forces and bonds. Hägerström set out to trace these roots which he found in Roman law. This view was presented in his book "Der römische Obligationsbegriff im Lichte der allgemeinen römischen Rechtsanschauung I", published in 1927.⁶⁰⁾ The projected second volume "Über die Verbalobligation" was published in 1941.⁶¹⁾ Also must be mentioned

56) (Natural Law in Criminal Science), published in *Svensk Juristtidning*, vol. 5, 1920, p. 321-341.

57) (On Fundamental Problems of Law), published in *Svensk Juristtidning*, vol. 24, 1939, p. 209-225, translated into English by C.D. Broad and printed in I, Ch. VI, p. 348-366.

58) (Kelsen's Theory of Law and the State), a review published in *litteris*, vol. 5, 1928, p. 20-40, p. 81-99, translated into English by C.D. Broad and printed in I, Ch. IV, p. 257-298.

59) (On the Question Concerning the Concept Valid Law), published in *Tidsskrift for Rättsvetenskap*, vol. 44, 1931, p. 48-91.

60) Published in *Skrifter utg. av Kungl. Humanistiska Vetenskaps-Samfundet i Uppsala*, Band 23, Uppsala 1927. The preface to this book has been translated into English by C.D. Broad and printed in I, Ch. I, p. 1-16.

61) Published in *Skrifter utg. av Kungl. Humanistiska Vetenskaps-Samfundet i Uppsala*, Band 35, Uppsala 1941, II.1. - This volume only deals with the Roman ideas concerning "Verbalobligation". Hägerström had in mind to publish a volume on the idea of "Konsensualobligation" but this second part never materialized.

his book "Das magistratische ius in seinem Zusammenhang mit dem römischen Sakralrechte" from 1929.⁶²⁾

What is the reason for the binding force of a promise? Hägerström discussed that question in relation to a Swedish writer Nehrman-Ehrenstråle in an article from 1934.⁶³⁾ This was also the subject-matter of an article from 1935 "Begreppet Viljeförklaring på Privaträttens Område".⁶⁴⁾ Hägerström's conclusion is that to consider a promise as an expression of will is an absurd view, originating in the equally absurd theory of natural law which dominates the modern account of contracts.

Magic is also conspicuous in the notion of ownership, so Hägerström maintains. The notion of ownership is thought as a relation between the natural world of perceptible phenomena and the super-natural world of spiritual forces.

"Dass ein solcher Zusammenhang magischer Natur ist, und dass wir also, soweit uns die populäre Auffassung vom Eigentumsrecht beherrscht, Magie üben, wenn wir z.B. Fische auf dem Markt kaufen, kann nicht bezweifelt werden"

is Hägerström's conclusion in an article from 1933.⁶⁵⁾

And Hägerström's main aim is to eradicate the evils of magic and make people come to themselves and realize that magical notions are the fruit of their own confused imagination.

Hägerström's other articles written for rather obscure journals were collected and published shortly after his death as "Socialfilosofiska Uppsatser".⁶⁶⁾

62) Published in Uppsala Universitets Årsskrift, vol. 1929, Uppsala 1929.

63) (Nehrman-Ehrenstråle's Conception of the Reason for the Binding Force of a Promise, in the Light of the Conceptions of Roman and Natural Law), published in Minnesskrift ägnad 1734 Års Lag, Bd. II, Stockholm 1934, p. 571-630. - Translated into German as "Recht, Pflicht und bindende Kraft des Vertrages" and published in Skrifter utg. av Kungl. Humanistiska Vetenskaps-Samfundet i Uppsala, vol. 44:3, Uppsala 1965, with an introduction by Karl Olivecrona.

64) (The Concept of a Declaration of Intention in the Sphere of Private Law), published in Theoria, vol. 1, 1935, p. 32-57, p. 121-138. - Translated into English by C.D. Broad and printed in I, Ch. V, p. 299-347.

65) Vergleichen zwischen den Kraftvorstellungen der primitiven und der modernen Kulturvölker, published in Festschrift tillägnad Arvi Grotenfelt, Helsingfors 1933, p. 63-84.

66) (Social-Philosophical Papers) (Edt. Martin Fries), 1st ed. Stockholm 1939, 2nd ed. Stockholm 1966.

The guiding thread in these articles is that man is dominated by mystical ideas which paralyse men's ability to live together in concord, for these mystical ideas divert men's energy to pursue the supernatural and imaginary, encourage egoism, and thus destroy the feelings of solidarity, which make social equality and harmony possible. To overthrow these magical ideas will give place for salvation on earth rather than in heaven, since men will be able to form genuinely humanistic societies.

3. Hägerström's Writings Published Posthumously

Hägerström left behind him his hand-written lecture notes, which run to about 50,000 pages. After Hägerström's death, the manuscripts were deposited in the University of Uppsala and Martin Fries dated and catalogued the manuscripts, and even typed them. The manuscripts are now accessible in the University Library of Uppsala,⁶⁷⁾ and some of the manuscripts have already been published by Fries. Since Hägerström's manuscripts were not intended for publication, Fries did some editing of Hägerström's texts. The manuscripts published by Fries are "De socialistiska Idéernas Historie",⁶⁸⁾ a series of lectures held in 1908-1909, on Socialist ideas from Plato to Lassalle and Marx. Next comes the book "Religionsfilosofi"⁶⁹⁾ covering Hägerström's lectures on religion. Hägerström gave a brief account of his view on religion in his "Selbstdarstellung" but never published any book on this subject although he intended to do so after completing his book on Roman law and his work on Einstein's theory of relativity. But his death put an end to this plan. Hägerström's lectures date from 1923 to 1929 and show his pre-occupation with the relation between the

67) A catalogue is printed in Konrad Marc-Wogau, *Studier till Axel Hägerströms Filosofi*, p. 209.

68) (*The History of the Socialist Ideas*), Stockholm 1946.

69) (*Philosophy of Religion*), Stockholm 1949. Some parts of these lectures have been translated and published by Robert T. Sandin in PR p. 175 ff.; see also Axel Hägerström, *Lectures on so-called Spiritual Religion, Theoria*, vol. XIV, 1948, p. 28-67.

spiritual reality, that is God, and the material reality of feelings. His lectures deal with the schism between knowledge (science) and theology, which was a burning issue in the first two decades of the twentieth century. To Hägerström this schism had to be rationally harmonized in some manner. Hägerström did that by claiming that it is meaningless to ask if spirit actually exists. The volume "Moralpsykologi"⁷⁰⁾ is a series of lectures held in the years 1917, 1921, and 1930 on the ideas of value and duty, on the meaning of moral judgements, and a discussion of different moral points of view, and the meaning of a real autonomous morality. These lectures deal with two other schisms, viz. the schism between reason and feeling and the schism between knowledge and value. Hägerström's position is that these schisms, too, had to be harmonized. The question is how this can be done. "Only by paying attention to what is real" is Hägerström's answer.

Hägerström does not teach morality, he is only interested in presenting an analysis of what there is, and informing people of the psychological connections between people living in a society. A real autonomous morality - or the essence of morality for an individual - Hägerström says, cannot consist in the individual's will being determined solely by duty. If this is the case the individual is nothing but a servant of spirit. Further if the individual's will is determined by duty, conceived as an inherent property of actions, then the individual's will cannot be freely aimed at social goals, because the will in this case is determined by the fear of sanctions. A truly moral will is the will, which is determined by the love of the whole. What this amounts to, is, I believe, the Hegelian view that an individual is free only as a member of a society, whose laws and conventions he can conscientiously accept. An autonomous morality for an individual consists, not in habitual obedience to law, but in a critical acceptance of law in the common interest.

70) (Psychology of Morality), Stockholm 1952.

The last book covering Hägerström's lectures is "Rätten och Staten",⁷¹⁾ which reproduces Hägerström's lectures on the growth of legal ideas held 1917, on state and forms of state held 1921, and the relation between state and law from 1924.

The editor of the lectures, Martin Fries, has done a service by bringing out these lectures, but unfortunately he has in his editing left out passages, which are either unclear or presented elsewhere in Hägerström's writings, so one has, after all, to turn to the original manuscripts in order to have the full version of Hägerström's thought. This is a pity because the lectures deal with questions relating to Hägerström's book "On the Question of the Notion of Law. The Will Theory I", from 1917. This title indicates a projected second volume which, however, never appeared in print. Perhaps these lectures form the material for that book. In his lectures Hägerström attacks the metaphysical background of legal science and its reliance on notions of law as an expression of will, and natural rights. Having, to his own satisfaction, demolished the doctrinal study of law, of legal science, as metaphysics because its object is considered to be something spiritual rather than something natural, Hägerström unfortunately ends his lectures by saying that what the subject-matter is for a true legal science is a question to be considered on another occasion.

I take it that a legal science, in order to be a scientific study according to Hägerström's epistemological view, has for its subject-matter nothing but actual legal valuations in their historical development, based on a psychological analysis of ideas such as right or duty. Legal science, then, cannot be a teaching in law, but only a teaching about law as a social-psychological phenomenon.

4. Commentaries on Hägerström's Philosophy

A great philosopher has, it has been said, a polarizing

71) (The Law and the State), Stockholm 1963.

effect on the intellectual world. The great philosopher forces others to become critics, or epigones, or creative explorers of the new horizons he has seen. In this sense, Hägerström is a great philosopher. Hägerström has his critics, who attack his philosophy with the objection that it, too, is a version of subjectivism.

To name only some important critics, John Cullberg,⁷²⁾ Hjalmar Lindroth,⁷³⁾ and Konrad Marc-Wogau,⁷⁴⁾ pursue this line of criticism of Hägerström's philosophy, which, after all, put forward the claim to have refuted subjectivism. These critics reject Hägerström's philosophy precisely because of the alleged inherent subjectivism which Hägerström has not refuted.

There are, however, also the faithful disciples of Hägerström who try to make Hägerström's difficult writings and teachings more widely known and intelligible. Axel Hägerström is, together with his colleague Adolf Phalén,⁷⁵⁾ founder of the so-called Uppsala-Philosophy, which flourished during the second to the fourth decade of this century.⁷⁶⁾

The Uppsala-Philosophy is characterized by its conception of philosophy as the analysis and clarification of concepts used in scientific (wissenschaftlich) as well as in ordinary discourse by its rejection of metaphysics and by its adherence to "value-nihilism", that is the theory that moral judgements, properly speaking, cannot be judge-

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- 72) Religion och Vetenskap. Till frågan om den systematiske teologiens vetenskapliga grundläggning. (Religion and Science. On the Question of the Scientific Foundation of Systematic Theology). Stockholm 1930.
 - 73) Tron och Vetandets Gräns. Kritiska synpunkter på den moderna Upsala-filosofien. (The Frontier of Faith and Knowledge. Critical Remarks on the Modern Upsala-Philosophy). Uppsala 1933.
 - 74) Studier till Axel Hägerströms filosofi (Inquiries into the Philosophy of Axel Hägerström). Falköping 1968. A Collection of articles printed previously in various journals.
 - 75) See his own summary of his philosophy in Die Philosophie der Gegenwart in Selbstdarstellungen (Hrsg. R. Schmidt) Band 5, Leipzig 1924, p. 165-204.
 - 76) For an account of the movement see Robert T. Sandin, The Founding of the Uppsala School, in Journal of the History of Ideas, vol. 23, 1962, p. 496-511. - Also Anders Wedberg's article on philosophy in Sweden, in Handbook of World Philosophy, Contemporary Developments since 1945, (edt. John R. Burr) London 1980, p. 173-191 with references.

ments but must be seen as expressions of interests or feelings. In epistemology, the Uppsala-Philosophy rejects subjectivism or idealism. Subjectivism rests upon the assumption that knowledge of objects involves an object in the mind (an idea (Vorstellung)), which implies that the object of knowledge is part of the mind. At the same time the object of knowledge must necessarily be something different and distinct from the knowing mind. Knowledge of an object involves a relation between the mind and the independent object known, at the same time the object known is regarded as something which is part of the mind. Phalén regards this subjectivist view as one of the main sources of the problem concerning the foundation of knowledge. The problem concerning the foundation of knowledge can only be solved by an analysis of our common concepts. It is Phalén's contention that our common concepts are dialectical, i.e. they involve contradictions, and if this is the case they are devoid of any cognitive or scientific value. Hence our common concepts need a thoroughgoing revision which it is the philosopher's task to carry out by a conceptual analysis. The starting-point for this conceptual analysis is our concepts, and the means for determining the contents of our concepts are the history of the concepts which provides us with an independent source for verification. Thus, only by way of considering the history of our common concepts can we become aware of the fact that our concepts are self-contradictory. In this way we gradually come to know the essence of the concepts, and thus improve our concepts by purification of foreign elements in order to arrive at concepts which are self-consistent and faithful to reality.

A key question has been whether it is Hägerström or Phalén who was the first philosopher in Sweden to reject subjectivism. To answer this question is one objective which Martin Fries is concerned with in his massive book "Verklighetsbegreppet enligt Hägerström".⁷⁷⁾

77) (The Concept of Reality According to Hägerström). Uppsala Universitets Årsskrift 1944:3, Uppsala 1944, p. I-XXXVI + p. 1-539.

It is Fries' contention that the priority is due to Hägerström, since Hägerström refutes subjectivism already in 1904 by his book "Das Prinzip der Wissenschaft". Since then Hägerström consistently argues against subjectivism and justly summarizes his epistemological views in his "Selbstdarstellung" published 1929. It follows, too, that Fries thinks that the critics of Hägerström, accusing him of being a subjectivist, simply do not understand Hägerström's philosophy.

Marc-Wogau has disputed Fries' contention, and argues that the rejection of subjectivism, a cornerstone in the Uppsala-Philosophy, is due to Phalén. Marc-Wogau has been followed by other critics of Hägerström, e.g. Ingemar Hedén.⁷⁸⁾

Fries has another objective in his book, that is to present a positive and systematic account of Hägerström's basic thoughts in Hägerström's philosophical doctrine concerning reality. Fries sets out to solve this task by adhering to Hägerström's methodology, put forward in Hägerström's book on "Kants Ethik",⁷⁹⁾ and by paying attention to Hägerström's published writings as well as his unpublished manuscripts.

Fries' book makes extremely hard reading, since he never tries to present Hägerström's difficult writings by offering translations in more familiar terms. Fries' explanation consists only in repeating Hägerström's own words. Fries' style of writing is as abstract and concentrated as is Hägerström's. According to Fries' book, Hägerström emerges as the most profound philosopher and his philosophy cannot possibly be classified in any of the schemes ordinarily used. In Fries' own words,

"Hägerström's philosophy as epistemology cannot be characterized as empiricism, rationalism or criticism; it does not involve any systematic philosophy of life or view of life proceeding from a metaphysical principle of the nature of materialism or idealism; it cannot be ranged under any of the common set of labels as monism, pluralism, pantheism,

78) Om Rätt och Moral (On Law and Morality), Stockholm 1941, cf. below Ch. III, p. 132.

79) See above p. 44 f.

naturalism, sensationalism, naïve realism, nominalism, phenomenalism, probabilism, solipsism and scepticism - just to mention the most well-known phrases used to denote the basic problems in theoretical philosophy".⁸⁰⁾

Obviously, Hägerström's philosophy is a philosophy sui generis which defies any ordinary classification. This may also explain why Hägerström seldom puts any label on his own philosophy. But it is, after all, a version of subjectivism, as Hägerström himself acknowledges.⁸¹⁾ But it is quite true that it is difficult to nail Hägerström down, because of Hägerström's ambiguous language, and because Hägerström asserts his position with confidence, and then goes on to qualify it afterwards.

The fact that Hägerström's philosophy is sui generis, and the fact that his style of writing is extremely difficult to follow explain, according to Fries, the extraordinary difficulty in understanding Hägerström's philosophy. But I have not found Fries' book particularly helpful in understanding Hägerström's epistemological view, since Fries makes no effort to render Hägerström's writings more intelligible by substituting other concepts than those used by Hägerström.

There is another book on Hägerström's philosophy by Ernst Logren, "Huvuddragen av Hägerström's Filosofi".⁸²⁾ I have not found this book helpful either. It offers an

80) Fries, Verklighetsbegreppet, p. XXI, "Hägerströms filosofi kan som kunskapslära icke karakteriseras vare sig som empirism, rationalism eller kriticism; den innebär heller icke någon systematisk världs- och livsåskådning med utgångspunkt i en metafysisk princip av materialistisk eller spiritualistisk natur; den kan icke inträngas under vissa gängse klichéer som monism, pluralism, pan-teism, naturalism, sensualism, naiv realism, nominalism, fenomenalism, probabilism, solipsism och skepticism - för att endast nämna de mest kända, betecknande grundläggande problemställningar inom den teoretiska filosofien," - cf. below Ch. III, p. 115.

81) See his own characterization of his epistemology as "subjectivism" in the sense that "we cannot approach or speak in a meaningful way about any other reality except the reality which we conceive." From a letter to Arnold Sölven, dated 4th January 1931 and published in the Swedish journal Tiden, 1940, Heft 2, p. 83 ff., quotation from p. 89. - My translation. Compare Hägerström, PR p. 50, "Reality means ... what is apprehended".

82) (The Main Elements of Hägerström's Philosophy), Uppsala 1944.

account of the development of Hägerström's thought, beginning with Hägerström's "Undersökning av den empiristiska Etikens Möjlighet" and ending with Hägerström's "Socialfilosofiska Uppsatser". But Logren mainly offers long quotations from Hägerström's writings, and then sometimes inserts his own short commentaries. So Logren makes no attempt either to try to reconstruct Hägerström's thought or to express this in a more intelligible language.

Besides being a founder of the Uppsala-Philosophy, Hägerström's philosophy is also important for the rise of the school of jurisprudence known as "Scandinavian Realism".⁸³⁾

This school of jurisprudence has become quite well-known in the Anglo-American legal world as is witnessed by the chapters devoted to the movement in various text-books.⁸⁴⁾

Hägerström's writings on morality, where he advances the theory called "value-nihilism", that is the theory that knowledge of value is impossible, is examined by Bo Petersson in his dissertation "Axel Hägerströms värdeteori".⁸⁵⁾ Petersson's objective in his book is to examine the development of Hägerström's theory by taking into account his published as well as his unpublished writings. Petersson's interpretation of Hägerström relies heavily on Hägerström's unpublished lectures, which, however, are only summarily reproduced. This makes it difficult to assess Petersson's thesis. According to Petersson, Hägerström puts forward two versions of his theory of value. One version can be dated to the years between 1907 and 1912 when Hägerström's thesis is that no value-judgement is true or false. The other version dates from 1912 when Hägerström holds the view that some value-judgements are neither true nor false, and that some value-judgements are always false. Petersson's claim

83) For an overview, see my book *Skandinavischer Realismus. Hägerström, Lundstedt, Olivecrona, Ross, Kolleg Rechtstheorie*, Bd. III,1, Freiburg 1978.

84) See e.g. R.W.M. Dias, *Jurisprudence*, 4th ed., London 1976, Ch. 20, p. 639 ff., and his *A Bibliography of Jurisprudence* 3rd ed., London 1978, p. 333 ff., and see also the *Bibliographical Index*, Sub Hägerström, A.

85) (Axel Hägerström's Theory of Value), Uppsala 1973. With a summary in English.

is that the emotive theory, i.e. the theory that some value-judgements are neither true nor false, is true, but Hägerström's arguments fail in the end to establish this.

Hägerström's philosophy and its importance for theology is discussed in Jarl Hemberg, "Religion och Metafysik. Axel Hägerströms och Anders Nygrens Religionsteorier och dessas Inflytande i svensk Religionsdebatt".⁸⁶⁾

A general exposition of Hägerström's philosophy is offered by Ernst Cassirer in his, "Axel Hägerström. Eine Studie zur schwedischen Philosophie der Gegenwart".⁸⁷⁾ This is a valuable study of Hägerström's epistemology and his moral and legal theory. Cassirer relates Hägerström's philosophy to other writers, in epistemology, for example, he refers especially to Husserl's criticism of subjectivism as being quite similar to Hägerström's criticism.

Hägerström's general claim is that "all that is called Geisteswissenschaft - whether it concerns the I, society, the state, morality or religion - is only an intellectual play with expressions of feeling, as if something real were designated thereby."⁸⁸⁾

Cassirer's rejoinder to this thesis is that if Hägerström's thesis is true, then Hägerström's own philosophy can only be considered to be an intellectual play with expressions of feeling. This is, indeed, as Cassirer remarks, a paradox.⁸⁹⁾ Cassirer thinks that Hägerström's philosophy in the end is inconsistent, and therefore must be rejected.

I think that Hägerström's way out of the paradox is to insist that he - in contrast to other philosophers - has freed himself from playing with expressions of feeling and unconscious assumptions. Hägerström's own sustained self-criticism frees him from any assumptions and thereby Hägerström starts without any preconceived opinions. Therefore

86) (Religion and Metaphysics. The Religious Theories of Axel Hägerström and Anders Nygren and their Influence on Religious Discussion in Sweden), Stockholm 1966. With a summary in English.

87) Göteborgs Högskolas Årsskrift, vol. XLV, 1939, 1., Göteborg 1939, p. 1-120.

88) Hägerström, PR p. 74.

89) Cassirer, Hägerström p. 111.

he above all is able to designate what is real and thereby attain absolute knowledge. In this way Hägerström's philosophy for himself and his acolytes, e.g. Fries, Lundstedt, and Olivecrona, represents the correct and only view, which leads to the view that he who is not with Hägerström is against him. Those who are against him, e.g. Cassirer and Marc-Wogau, are in the end of the day dismissed by Fries, because they have not worked hard enough to understand Hägerström's thought. And by "hard enough" Fries means, I think, "hard enough to suit me with respect to understanding Hägerström". If I am right, then Fries has the enormous advantage of talking as if he is saying something important, viz. that is possible for others to understand Hägerström, whereas what Fries is in fact saying is that only Fries understands what Hägerström's philosophy is about. Thus, Fries' objective is only to set forth his view of what Hägerström really means without criticizing Hägerström's thought in the least.⁹⁰⁾

I have, in any case, worked hard to understand Hägerström's philosophy. What I wish is to present my understanding of Hägerström's inquiries into epistemology, morality and law, and to criticize Hägerström's thought as well. After all Hägerström presents his tenets as truths established by a reasoned argument, not merely as tenets above and beyond reason to be accepted on faith. Ultimately Hägerström's fundamental tenets cannot be accepted on faith, a contention which amounts to the announcement "I believe in what Hägerström says, because it is something revolutionary".⁹¹⁾ This is tantamount to saying "credo quia absurdum", rejected by Hägerström.⁹²⁾ Hägerström's tenets must be supported or justified by reference to rational and impersonal standards. And in this case Hägerström is not necessarily the best and only judge, although he perhaps is inclined to think so. But this would be a

90) Cf. Fries, *Verklighetsbegreppet*, p. XXXV.

91) To mention but one example, cf. Folke Schmidt, *The Uppsala School of Legal Thinking*, *Scandinavian Studies in Law*, vol. 22, 1978, p. 151 ff. at p. 152 and p. 159.

92) Hägerström, *PR* p. 262 f.

mistake. The person who makes a claim cannot also set the standard for assessment of the validity of his argument and the truth of his tenets. My claim is that Hägerström's tenets do not pass the standard of non-contradiction. And this claim I wish to substantiate in this book.

5. Plan for the Book

My book does not aim at giving a full account of Hägerström's writings. Hägerström's unpublished manuscripts are, undoubtedly, of great value in order to trace Hägerström's philosophical development and interests, but since I have not personally had any access to these manuscripts, I shall disregard them (hoping, however, that I in the future may have the opportunity to consult them. Or, even better, that the manuscripts eventually will be published and so made accessible to the public). Considering the claim made both by his disciples and his critics that Hägerström is Sweden's most important philosopher it is to be regretted that these manuscripts have not been published, and also that there is no adequate scholarly edition of Hägerström's work.⁹³⁾

My book has, then, a more modest aim, that of presenting Hägerström's epistemology and its importance for understanding Hägerström's inquiries into the nature of law and morals. My thesis is that there is an intimate link between Hägerström's inquiry into the nature of knowledge and reality on the one hand, and his inquiry into the nature of morality and his inquiry into the nature of law on the other hand.

My claim is that Hägerström approaches ontology or reality from an epistemological point of view. Hägerström's questions are: "What conditions must any scientific inquiry satisfy?" and "What must things be like if they are to be known?" Hägerström's answer to these questions is that what can be spoken of and thought of must be. Thus, Hägerström initiates his epistemology by appealing not to empirical

93) What I have in mind with "scholarly edition" is an edition in the line of the editions of the collected works of John Stuart Mill or Jeremy Bentham.

data or sense-experiences but rather to fundamental laws of thinking. The fundamental laws of thinking are the principle of identity and the principle of non-contradiction, which are ultimate principles of all knowledge and reality. Since it is self-evident that any thinking is being and any being is thinking, it is Hägerström's claim that the world is a rational world governed by laws. The task of science is to discover the inherent rationality in the world by using scientific methods. Ordinary language is not rational, since it is infused with feelings or emotions, and it is the task of the philosopher to rationalize it in the sense that the philosopher must show that we are only dealing with words, behind which there are no thoughts. It is rational to claim what is real, but it is neither thinkable nor sayable to claim what is not real. The language of non-being is, cognitively speaking, a language, in which we can only talk nonsense. Using this language people are literally saying nothing but naming unreal things. But they constantly confuse themselves into believing that they are actually talking sense. When people are talking about moral and legal issues, they use the words "right" and "wrong", or "duty" or some other synonymous terms. It is of importance for the rationality of social life to inquire into what is meant by these terms used in ordinary or scientific discourses in order to decide whether these discourses are meaningful or not. The demand is that the philosopher must submit moral and legal discourse to reason in order to discover whether there is any inherent rationality in these types of discourse. It is Hägerström's claim that these types of discourse are fundamentally irrational, since they depend upon men's feelings and volitions.

Moral and legal language with the notions of "right" and "duty" exercise a tyranny over thought, and thought is always struggling against it, but so far in vain. Hägerström's claim, however, is that his thought and philosophy finally see through the mist of metaphysics and establish the scientific foundation for disciplines dealing with morality and law as their subject-matter. The task of a scientific

ethics and a scientific legal discipline is to investigate men's feelings and volitions by using scientific methods.

Thus, my departure is the works of Hägerström translated into English. As I said above my aim is to understand as well as to criticize Hägerström's thought. It is Hägerström's belief that

"no philosopher tears himself away with impunity from the chain which connects the first and the latest stage in the progressive development of mankind's philosophical thought."⁹⁴⁾

Hägerström is, in that respect, no exception. In his "Selbstdarstellung" Hägerström acknowledges his debt to Kant, but otherwise he remains silent about the influence from past philosophers.⁹⁵⁾ As for contemporary philosophers, only Phalén is mentioned, and besides him Hägerström's general claim is that "I have not been significantly influenced by contemporary philosophy".⁹⁶⁾

Thus, Hägerström proclaims his uniqueness in the progressive development of philosophical thought, which reminds one of a similar claim made by Hegel. There is no doubt in my mind that Hägerström is deeply influenced by Hegel, and in general by German philosophers, e.g. Ludwig Feuerbach, who reacted against Hegel. The fact that Hägerström so loudly proclaims that he has a mission and that his philosophical views are unique is, I think, a reminder of another fact, viz. that Hägerström is most likely to have derived his basic philosophical views from philosophers, whom he consciously or unconsciously rejects. It is, however, difficult to establish whether or not Hägerström is influenced by other authors, since this requires (1) that there is a genuine similarity between the views of these authors and Hägerström's own view, (2) that Hägerström could not have found the relevant view in any other authors, and (3) that Hägerström as a matter of fact has read these authors. Since Hägerström does not explicitly discuss the

94) Cf. above note 13.

95) The philosophers mentioned by Hägerström in his "Selbstdarstellung" are Burman, Fichte, Hegel, Schopenhauer, Descartes, and Hume, and only the view of Descartes is discussed in some detail.

96) Hägerström, PR p. 38.

views of Feuerbach, at least not in the published writings,⁹⁷⁾ it is extremely difficult to establish whether the conditions (1), (2), (3), mentioned above, hold or not. To establish whether the conditions hold or not it is necessary to have access to Hägerström's unpublished manuscripts, which perhaps will give us a clue. This is, again, to stress the need for publication of his material. Since I have not had access to the unpublished material I shall resist the temptation to write about authors who might have influenced Hägerström. But I shall, occasionally, point to a similarity between Hägerström's views and the views of other authors. I shall, then, concentrate my efforts on Hägerström's text as the object of my inquiry, hoping to arrive at an understanding of it.

I start with the assumption that Hägerström is not likely to be always contradicting himself. After all, the corner stone of Hägerström's philosophy is the law of contradiction,⁹⁸⁾ so I assume that Hägerström is a consistent writer. From this assumption it follows that I assume that Hägerström is a systematic thinker, which, I think, is also Hägerström's own opinion of his efforts.⁹⁹⁾

Now, Hägerström's systematic efforts can be orientated either toward the precise formulation of a problem for empirical scientific inquiry or toward an encyclopedic synthesis of basic tenets. The first systematic effort aims at the advancement of inquiry, the latter has a different aim in mind, that of conservation and transmission of truth. I think it makes a difference which aim one has in mind. Hägerström's systematic efforts may fail, because they involve internal contradictions. If Hägerström involves himself in contradictions then we cannot accept what he writes

97) Feuerbach is mentioned in passing in Hägerström's lectures on the History of Socialist Ideas, see *De Socialistiska Idéernas Historie* (Edt. M. Fries), Stockholm 1946, p. 245. - Feuerbach is not mentioned at all by Fries in his "Verklighetsbegreppet enligt Hägerström".

98) Hägerström, PR p. 42.

99) Cf. Hägerström's own admission, PR p. 313, "I have maintained the following basic ideas although I have not carried them through".

without interpreting it. But this interpretation depends upon whether Hägerström's intention is to present the appropriate method for inquiry or whether his intention is to present a claim of knowledge. Hägerström may, of course, have both these aims in mind. If Hägerström's intention is to present the appropriate method for inquiry, then he can be justly criticized if this is not the case. Hägerström then fails, because he has chosen the wrong method for arriving at true answers. If Hägerström's intention is to present a claim of knowledge, then he can be justly criticized if he is mistaken. Hägerström then fails, not because he has chosen the wrong method, but because he has not used the right method in the right way for arriving at true answers.

In my criticism of Hägerström's theory I follow Popper's point that

"any attack, any criticism of any theory whatsoever, must be based on the method of pointing out some sort of contradiction, either within the theory itself or between the theory and some facts."¹⁰⁰⁾

In short, contradictions do matter. In fact, Hägerström's own weapon in his battle against metaphysics and subjectivism is the accusation of self-contradiction.¹⁰¹⁾ I shall apply the same weapon in my battle with Hägerström's text.

In the preface to Hägerström's "Inquiries into the Nature of Laws and Morals" Karl Olivecrona writes that "Hägerström's contentions usually have a startling effect on jurists."

And he continues that Hägerström's

"criticism concerns, however, the ultimate assumptions of legal science. If it is fundamentally correct, it is bound profoundly to affect our view on law and society. It should therefore be most carefully discussed without any preconceptions."¹⁰²⁾

I believe that Olivecrona's claim can be generalized to cover Hägerström's philosophy as a whole. I agree with

100) Karl Popper, *Conjectures and Refutations*, 5th ed., London 1974, p. 327, cf. his *The Open Society and its Enemies*, 5th ed., London 1966, vol. 2, p. 215.

101) This is similar to F.H. Bradley. See John Passmore, *A Hundred Years of Philosophy*, Penguin ed. 1968, p. 61.

102) Olivecrona, in Hägerström, *INLM* p. XXIII.

Olivecrona that Hägerström's philosophy "should be most carefully discussed". But I do disagree that this can be done "without any preconceptions". The implication of Olivecrona's view is that only in philosophy there are no preconceived ideas or unjustified assumptions. How could any intellectual activity be free of assumptions? Even Olivecrona proceeds on the assumption that you must have no assumptions. This is clearly incoherent, as is his other assumption that it is possible to start without any assumption and then still hope to obtain knowledge concerning, in Olivecrona's words, "the substance of Hägerström's contentions".¹⁰³⁾

Olivecrona follows Hägerström. Hägerström, in turn, is, perhaps, influenced by Husserl, who advanced the similar claim that any philosophical investigation must be free from all presuppositions, and investigate what actually confronts us.¹⁰⁴⁾ The philosopher, for Hägerström, has direct access to what is real as distinct from the ordinary man and his confused ideas of what is real. Since the philosopher has direct access to what is real, he can proceed "without any preconceptions", to use Olivecrona's phrase. Thus, the philosopher stands in contrast to other writers who proceed on inarticulate assumptions. And the philosopher's task is precisely to bring inarticulate assumptions of other writers in the open and put them to a critical examination. The philosopher is particularly fitted for this task, since he after all can offer his criticism in the light of his knowledge which is based, not upon any preconceptions, but only upon what there is. But this claim made by Hägerström and Olivecrona fails in the end. It is a mistaken conception to think that it is possible to proceed without any assumptions, and that philosophy is, in this respect, an exception. The claim that we must proceed "without any preconceptions" is in itself a preconception, so the claim is self-refuting.¹⁰⁵⁾ So the position of

103) Olivecrona, *ibid.*

104) See John Passmore, *A Hundred Years of Philosophy*, p. 189.

105) Cf. Popper, *The Open Society and its Enemies*, vol.2, p.230, cf. p.309.

Olivecrona and Hägerström is an incoherent position.

Thus, my approach to Hägerström depends upon the assumption that contradictions need to be avoided, and that Hägerström's arguments must be taken seriously. What I wish to do is to examine Hägerström's arguments using his weapon, the accusation of self-contradiction, against him.

Hägerström once put forward the claim that his epistemology was a turning event in the history of philosophy. It was a Copernican Revolution. I shall consider this claim in Chapter III. In Chapter IV I shall present Hägerström's epistemology. In Chapter V I shall present his views concerning morality. I shall present Hägerström's account of law in Chapter VI. In this chapter I shall not discuss his theory of Roman law as being imbued with magical and mystical notions.

If Hägerström

"had wished to arouse an Englishman's worst suspicions, he could not have done better than he did by his use of the word "mystical"."¹⁰⁶⁾

A discussion of Hägerström's theory of Roman law as rooted in "traditional ideas of mystical forces and bonds"¹⁰⁷⁾ requires a familiarity with Roman law beyond my competence, and this is one reason for disregarding his theory in this book. Another reason is that Hägerström's theory has, indeed, aroused suspicion in Great Britain, and has been sufficiently demolished by the writings of Geoffrey MacCormack.¹⁰⁸⁾

So I shall concentrate my chapter on Hägerström's other writings, especially his criticism put forward in the book "Inquiries into the Nature of Law and Morals".

Hägerström's purpose, as a philosopher, is to destroy

106) The quotation is from E.E. Evans-Pritchard, *Theories of Primitive Religion*, Oxford 1965, p. 83. The reference there is to the French writer Lévy-Bruhl, but the remark is, in my opinion, applicable to Hägerström.

107) Hägerström, *INLM* p. 16.

108) See his articles: Hägerström's Magical Interpretation of Roman Law, *The Irish Jurist*, 1969, p. 153 ff.; Formalism, Symbolism and Magic in Early Roman Law. *Tijdschrift voor Rechtsgeschiedenis*, vol. 37, 1969, p. 439 ff.; Hägerström On Rights and Duties, *Juridical Review*, 1971, p. 59 ff.

the prevailing metaphysical views, and in doing so establish the secure path for scientific thinking about nature and man's place in nature and society. But Hägerström's own thinking is a piece of metaphysics, or so I shall claim, using "metaphysics" in accordance with Hägerström's definition as "the view which makes something real out of reality itself".¹⁰⁹⁾

If this is true, then it seems to follow that Hägerström's writings can be put aside as meaningless and useless. This conclusion should be resisted, I suggest in my final chapter.

Hägerström's prejudice is that all genuine knowledge must be of one single form, viz. that of logical demonstration. On this basis Hägerström lies down a criterion of the intelligible use of language. The intelligible use of language is the rational one, where one talks about what is real, in contrast to the non-intelligible use of language, which is irrational, since one talks about what is not, that is to say one says nothing, not in the sense of being silent but in the sense of talking nonsense, i.e. uttering what does not correspond with reality. Hägerström's own philosophical claim is that he of course uses the former language, whereas his opponents use the latter. Objections put forward against Hägerström's philosophical views can then be dismissed as irrational, and nothing but the expression of logical confusions. No wonder, therefore, that Hägerström gets angry at or impatient with those who do not agree with his "way of truth".

The question is, however, whether Hägerström in fact did find the way of truth. It seems to me that Hägerström cannot lay down, once and for all, the limits of intelligible discourse, in such a way as to exclude the asking of questions that are not scientific, but are metaphysical. For example, rather than dogmatically accepting Hägerström's claim that it is absurd to speak of individuals having rights with no corresponding duties, I should like to see

¹⁰⁹⁾ Hägerström, PR p. 60.

Hägerström's sweeping generalization as a reminder and as an instruction to reconsider the epistemological basis for moral and legal claims.

Chapter III

Axel Hägerström's Philosophical Message: The Copernican Revolution in Epistemology

"For (magna est veritas et prævalebit)
great is truth, and shall prevail."

Thomas Brooks*

1. Introduction

Hägerström grew up in a religious atmosphere, and felt early the demand that life should be an arena for devotion. Hence it is no coincidence that Hägerström's philosophical contribution is marked by an intensely serious, quasi-religious, and dedicated character. When Hägerström became aware of the uniqueness of his vocation, which he felt within himself was philosophy, he had to defy his father's wish that he study theology. Hägerström did not, like Ludwig Feuerbach, obtain his father's consent to switch faculties from theology to philosophy. He did so in spite of his father, and then Hägerström, like Feuerbach, became a full-time student of philosophy.¹⁾ Here Hägerström was introduced by E.O. Burman to the writings of Kant, and Hägerström with all his heart adapted himself to Kant's philosophical vocabulary.

I shall comment on Hägerström's style in Section 2. In Section 3 I shall deal with the background for Hägerström's Copernican Revolution in epistemology. In Section 4 I shall consider it as a version of idealism and in Section 5 as a version of materialism. Hägerström's claim is to

* The Crown and Glory of Christianity, 1662, p. 407. Quoted from The Concise Oxford Dictionary of Quotations, Oxford 1975, p. 42. - Cf. "Magna est veritas et prævalet" (Great is Truth and Mighty above all Things), 3 Esdras, IV, 41 (Vulgate). Quoted from Oxford Dictionary, p. 29.

1) For Ludwig Feuerbach's development, see Frederick Gregory, Scientific Materialism in Nineteenth Century Germany, Dordrecht 1977, Ch. 1. It is interesting to notice the common background between Feuerbach and Hägerström.

present the final solution concerning the foundation of knowledge. I shall argue that he fails, and that his revolution should be met with a counter-revolution. In Section 6 I shall present Hägerström's metaphysics and argue that he is a metaphysician according to his own definition of "metaphysics". Finally, in Section 7, I shall consider Hägerström's philosophical method used to dispel the confusions which beset the ordinary consciousness. In these sections I shall incorporate my exposition of what Hägerström says with my criticism, since what Hägerström says leads immediately to criticism. I shall try to make the dividing line between exposition and criticism clear, and only hope that I shall succeed.

2. Hägerström's Style of Writing

It is a commonplace that Hägerström writes in a very difficult style. Even his most devoted disciples agree and complain about "die langen und verwickelten Sätze" and say that Hägerström's "Ausdrucksweise nicht immer völlig klar ist".²⁾

C.D. Broad, who translated some of Hägerström's writings into English, writes that Hägerström

"had steeped himself in the works of German philosophers and philosophical jurists, and his professional prose-style both in German and in Swedish had been infected by³⁾ them so that it resembles glue thickened with saw-dust."

I fully endorse what Broad writes. Hägerström was influenced by the great German idealists like J.E. Fichte, F.W.J. Schelling, and G.W.F. Hegel, whose fathers also happened to be Protestant pastors, and who themselves had studied theology. Hägerström studied these philosophers and their style of writing and this reinforced, I think, the dedicated

2) Martin Fries, in his introduction to Hägerström, EE p. 1.

3) C.D. Broad, Hägerström's Account of Sense of Duty and Certain Allied Experiences, Philosophy, vol. XXVI, 1951, p. 99. Cf. a similar remark by Broad that "the writings of too many eminent Absolutists seem to start from no discoverable premises; to proceed by means of puns, metaphors, and ambiguities; and to resemble in their literary style glue thickened with saw-dust". Examination of McTaggart's Philosophy, Cambridge 1933, vol. 1, p. lii. Quoted from A.C. Ewing, Idealism, 3rd ed., London 1961, p. 9.

nature of Hägerström's philosophical style. His choice of technical terminology reflects his conscious opposition to romanticism and feelings as expressed in his letters. Philosophy is a serious undertaking, where the philosopher has to rely on a terminology, which must be made philosophically respectable by elimination of subjective ideals or personal preferences of style. Thus, Hägerström's approach to philosophy is based upon the inherited terminology of German transcendental philosophy. In this respect Hägerström is by no means an innovator or revolutionary. Hägerström uses, however, the pre-existing terminology to present something quite new, or so Hägerström claims. Hägerström writes "it was natural, in order to make myself understandable, that I should make use of the terminology belonging to these points of view. Nevertheless this dependence on these philosophical views (even if it was only of a negative character) led to the result that I was not entirely aware that my use of this terminology could produce misunderstanding."⁴⁾

But, to comment, this is unconvincing. If you use, as does Hägerström, the terminology belonging to subjectivism when you want to refute it, then you must make it clear in what sense you use the terms. Otherwise you must expect that people are going to misunderstand you, since their mental sets depend upon the expectation that the terminology is used in the traditional way.⁵⁾

If you are going to use the existing technical terminology to criticize the traditional philosophical views couched in a very similar terminology you run the risk of confusing not only the readers but also yourself. The readers, e.g. the philosophers, who are criticized, do not recognize that their views are discarded.⁶⁾ And Hägerström himself is liable to get confused. That this is not just my idle speculation is confirmed by Hägerström. He writes

"I had to make use, at the beginning, of familiar but really misleading definitions, which were, however, already refuted

4) Hägerström, PR p. 50-1.

5) For the phrase "mental set" I am indebted to E.H. Gombrich, *Art and Illusion*, 5th ed., London 1977, p. 53.

6) Cf. Cassirer, Axel Hägerström, p. 15.

by the treatise itself."⁷⁾

The treatise referred to is "Das Prinzip der Wissenschaft", and it is revealing to read Hägerström's own exposition in his "Selbstdarstellung" of that treatise. Hägerström writes

"I pass over certain statements in the treatise, the obscurity of which I soon perceived for myself."⁸⁾

Since Hägerström gets involved in confusing himself by using a familiar vocabulary, what, then, about Hägerström's readers? Do they also perceive the obscurity as easily as Hägerström does? Hägerström obviously must think so, since he is not prepared to inform the readers of his "Selbstdarstellung" about the dividing line between obscure and non-obscure statements in "Das Prinzip der Wissenschaft". It is rather curious why Hägerström keeps this as a dark secret. I should have thought it proper that potential readers of this "most important book"⁹⁾ were informed of which statements they can safely ignore, and which they have to pay attention to.

Perhaps the reason is that Hägerström writes equivocally. This statement needs to be defended, because Hägerström's own prescription is that it is vital to discard thinking in fluid notions in favour of thinking in fixed or rigid concepts.¹⁰⁾ My claim is that Hägerström in his epistemological doctrine cannot afford to be clear about his "fundamental propositions". The reason why is that Hägerström's method is to take the familiar technical terminology for granted and then try to show that thinking in these terms is inconsistent, since the terms do not coincide in some essential points with objective reality. To establish this, it is necessary for Hägerström to put a new meaning into the given terminology and incorporate this into a new consistent theory.¹¹⁾

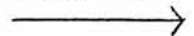
7) Hägerström, PR p. 37.

8) Hägerström, PR p. 38.

9) This is Hägerström's own description of "Das Prinzip der Wissenschaft", see PR p. 37.

10) Cf. above Ch. II, p. 54 f., 57 f.; 68, 75 f.

11) There is also the possibility for Hägerström either to use the



The purpose of Hägerström's theory is to deny precisely what the traditional epistemological doctrines of idealism (subjectivism) and realism (empiricism) assert. Hägerström's method is then subversive. It uses the given terminology of the old doctrine to destroy its spirit, and to that extent Hägerström's use of its terms is of necessity ambiguous. This ambiguity explains why some of his disciples see in Hägerström an ardent critic of the prevailing philosophical views - and this is also how Hägerström sees himself - while others see in him a defender of idealism.¹²⁾

Hägerström's theory is based upon the given terminology, which he both accepts and tries to overcome and make fit for expressing his own methods of understanding the nature of man's place in nature and society.¹³⁾

As I see it, Hägerström's claim is that not until we have achieved this knowledge can we master nature and society. Before we have achieved this knowledge and mastery, man is a stranger in a social world of mystery and magic, though he does not know it. Hägerström, of course, is the exception, since he has gained his knowledge, and therefore is able to master the world. This, I take it, is the core of Hägerström's philosophy, which is, indeed, expressed in a rather obscure terminology, which leaves the reader in the dark and in despair of ever understanding either the terms of Hägerström's fundamental propositions or the nature of his fundamental claims. As a last resource in the face of this deplorable condition,

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- 11) (continued) the ordinary vocabulary or create a new terminology. I shall return to why Hägerström does not use these possibilities in Section 7.
 - 12) Cf. the discussion between Martin Fries and Konrad Marc-Wogau, see the article by Fries "Zur Interpretation einiger Gedanken in der Philosophie Hägerströms", in Festschrift tillägnad Einar Tegen, Lund 1951.
 - 13) The very point of Hägerström's efforts is similar to the efforts of the artist. The artist, too, needs a vocabulary, and the given vocabulary rules even where the artist wishes to reproduce nature faithfully. The only way out is to create a new vocabulary. Cf. the distinction between finding and making a modicum of expression in Gombrich, Art and Illusion.

"most fortunately it happens, that since reason is incapable of dispelling these clouds, nature herself suffices to that purpose, and cures me of this philosophical melancholy and delirium, either by relaxing this bent of mind, or by some avocation, and lively impression of my senses, which obliterate all these chimeras. I dine, I play a game of back-gammon, I converse, and am merry with my friends; and when after three or four hour's amusement, I wou'd return to these speculations, they appear so cold, and strain'd, and ridiculous, that I cannot find in my heart to enter into them any farther."¹⁴⁾

I have much sympathy with Hume's way out of the trouble. Certainly there is more fun in dining with friends than reading Hägerström. But then there is Hägerström's warning: "One can eat and drink to one's own destruction".¹⁵⁾ I find myself - with Hume - "absolutely and necessarily determined to live" and complete my book on Hägerström. His writings have, after all, a magical influence, a power of fascination that comes to dominate one. His writings cannot be dismissed as nonsense, or not worth taking the trouble to read. But I refuse to succumb to Hägerström's lure. "If a man pretend to be an ambassador from heaven", Reid writes, "we must judge of his credentials".¹⁶⁾ Hägerström's claims cannot deprive us of this right, and I wish to exercise that right.

I think it is here of some importance to notice that Hägerström's writings are addressed not to the common man in the street, but to skilled and scholarly philosophers and jurists, who should be able to understand that Hägerström is not writing nonsense but proclaiming the truth. Hägerström's audience then is the philosophers, jurists and theologians, rather than the public at large. This goes for his oral lectures as well. These lectures

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- 14) David Hume, *A Treatise of Human Nature* (Edt. L.A. Selby-Bigge, 2nd rev. ed. by P.H. Nidditch) Oxford 1978, Book I, Part IV, Sec. VII, p. 269. The quotation later in the text is also from Hume, to be found at the same page.
- 15) Hägerström, PR p. 246. - Perhaps this reflects Hägerström's ascetic way of life as well as his scheme of salvation to turn away from a life of luxury to a simpler life that man can become god-like. - Cf. the dictum by Feuerbach, "Der Mensch ist was er isst" (Man is what he eats). See Gregory, *Scientific Materialism*, p. 92.
- 16) Reid, Thomas, *Essays on the Intellectual Powers of Man* (Edt. Baruch A. Brody) London 1969, p. 693.

are primarily addressed to scholars and students who aspire to become scholars or philosophers, rather than to the public or, what Hägerström calls, "the ordinary consciousness". A person of "ordinary consciousness" may - of course - be a listener, but he has no right to judge the veracity of Hägerström's doctrines, because his vision is clouded by ignorance and prejudice.¹⁷⁾

What Hägerström implies is that there is a distinction between "the ordinary consciousness" and "the non-ordinary consciousness". The former is not reliable and therefore Hägerström does not use ordinary language to express his views. The latter is equivalent to the "philosophical consciousness", that is Hägerström's consciousness, and this, in turn, must use a philosophical terminology. What Hägerström implies is that he who is not a philosopher according to my principles cannot understand me.¹⁸⁾ Thus, it seems that Hägerström is quite confident that philosophers will accept his theory of knowledge and his theory of morality, that theologians will accept his theory of religion as an illusion, and that lawyers will accept his theory of Roman law as a piece of magic. His confidence is similar to that of Copernicus, who wrote,

"Nor do I doubt that skilled and scholarly mathematicians will agree with me if, what philosophy requires from the beginning, they will examine and judge, not casually but deeply, what I have gathered together in this book to prove these things."¹⁹⁾

Copernicus' revolution was successful. One can question, however, whether Hägerström's philosophy is a revolution.

17) Cf. Hägerström, PR e.g. p. 38, 60, and p. 210.

18) Cf. the dictum by Leonardo da Vinci: "He who is not a mathematician according to my principles must not read me". Quoted from E.A. Burtt, *The Metaphysical Foundations of Modern Physical Science* (2nd rev. ed.) London 1932, p. 30. And compare for a similar point the remark made by John Constable: "The art of seeing nature is a thing almost as much to be acquired as the art of reading the Egyptian hieroglyphs". Quoted from Gombrich, *Art and Illusion*, p. 12. - This fits with Hägerström's attitude towards other philosophers, see above Ch. II, p. 76.

19) In a letter to Pope Paul III. Quoted from E.A. Burtt, *The Metaphysical Foundations of Modern Physical Science*, p. 39.

I shall return to that in Section 5.

For Hägerström's acolytes Hägerström's philosophy must be deeply examined, judged, and accepted.²⁰⁾ The obscurity of its presentation is a mark of the profundity and intellectual depth of Hägerström's way of thinking, which they claim they understand and others misunderstand.²¹⁾ "The others" refers to the critics who think that Hägerström's obscurity is a rather sure sign that there is no distinctness in Hägerström's conceptions, without which

"there can be neither propriety in our words, nor in the structure of our sentences, nor in our methods".²²⁾

This is incidentally also Hägerström's claim. He reproaches other writers for using vague and fluid notions rather than fixed and rigid concepts.

In what follows I shall try to find out whether Hägerström does prove his philosophical views or whether his philosophy rather is

"a metaphysical play with words, behind which no thought stands".²³⁾

Just as important as Hägerström's writings are Hägerström's oral lectures. Perhaps Hägerström's influence is due more to his lectures than to his writings. To a certain extent Hägerström avoids using technical terminology in his lectures, which makes them easier to follow. Using ordinary language must, however, present a problem for Hägerström, since his assumption is that ordinary language is, by its very nature, imbued with the false philosophy of idealism and the meaninglessness of metaphysics. So Hägerström obviously faces the problem of making himself understood in his achieving his goal, the clarification of concepts and the teaching of the true philosophy.

In this predicament Hägerström was favourably placed as a professor with an audience of colleagues and students who attended his lectures with patience and willingness.

20) Cf. e.g. Olivecrona, in Hägerström, INLM p. XVI and p. XXIII.

21) Cf. above Ch. II, p. 69 f.

22) Reid, *Essays on the Intellectual Powers of Man*, p. 399.

23) The quotation is from Hägerström, PR p. 56.

His listeners were faced with a powerful personality and listened to a voice of bewitching persuasiveness. I think that some of them have had difficulties in distinguishing between what they had gained from listening to Hägerström's philosophical elucidations of concepts on the one hand from what "his compelling personality made them feel they had gained" on the other.²⁴⁾

Again the style is of importance. Nobody can start from scratch but he can criticize his forerunners. And this is exactly what Hägerström does, and his attack is couched in quasi-religious language. It goes like this:

"Ye have heard that it is said by other philosophers that consciousness itself is the foundation of knowledge. But I (Hägerström) say unto you that this is false."

Or again:

"Ye have heard that it is said by other philosophers that reality is spiritual in nature. But I say unto you that this is meaningless."

In the area of values:

"Ye have heard that it is said that there is knowledge of value. But I say unto you that knowledge of value is impossible."

And to mention the area of law:

"Ye have heard that law is an expression of will. But I say unto you that there is no will behind the law."

Thus, Hägerström preaches the Gospel: "The Truth shall make you free".²⁵⁾ What Hägerström means by his gospel is, among other things, revealed in one of his lectures, where Hägerström avers

"In truth one can say to mankind: If the darkness in the world causes you to suffer, this is simply due to the fact that you have not ignited the torch which alone can make the world light. You are waiting for the light to come from without, presenting itself to you. But such a light can only be an illusion. Ignite the light yourself, and it will burn with an undiminished flame."²⁶⁾

24) The quoted sentence is from Alice Ambrose, in her remarks about Wittgenstein, in "Ludwig Wittgenstein: A Portrait", in Ludwig Wittgenstein. Philosophy and Language (Edt. A. Ambrose and M. Lazerowitz) London 1972, p. 13. Ambrose writes that "Doing philosophy was a moral matter for Wittgenstein". This remark applies to Hägerström as well. Cf. below p. 94.

25) Cf. The Bible, John, 8:32.

26) Hägerström, PR p. 304-05, from lectures delivered in 1920 and 1929, cf. Fries, Religionsfilosofi, p. 11.

The first thing I wish to draw attention to is the religious tone of Hägerström's proclamation.²⁷⁾ Besides the religious tone, the next thing to notice is Hägerström's comparison of knowledge with light. There is an echo of Plato's famous description, in the Republic, of the common man as being in the state of a cave-dweller who sees only the shadows of things. The philosopher has liberated himself from the chains binding him to the cave, i.e. from the senses. He has seen the light, thus attaining a clear vision of the ideas which are the true essences of things. There is further the appeal to rationalism, e.g. Descartes and his appeal to man's light, or Locke's similar claim to irresistible light of self-evidence as the foundation of knowledge and truth.

Despite his religious language, what Hägerström is saying is that knowledge and truth do not come by God's grace, nor are obtainable only in the light of Christian faith. On the contrary, genuine knowledge requires liberation from the chains binding man to religion. It requires, on the positive side the possession of a high degree of sophisticated intelligence. So genuine knowledge is only obtainable in the light of an intellectual endeavour, where philosophical thought is fundamental. This philosophical thought is the pillar of the world. Thus, Hägerström is an exponent of rationalism, and perhaps idealism as well.²⁸⁾

For Hägerström, thought, as opposed to feeling, is fundamental, and thought necessarily teaches us that there is an independent reality confronting us. It also shows that any man has the capacity of discerning the truth about

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- 27) Cf. e.g. "I shall light a candle of understanding in thine heart, which shall not be put out", 2, Esdras XIV, 25, and "Ye are the light of the world". --- "Let your light so shine before men, that they may see your good works", St. Matthew, V, 14-16. - Cf. generally the notion of "the candle of the Lord set up by himself in men's minds", John Locke, *An Essay concerning Human Understanding* (Edt. P.H. Nidditch) Oxford 1975, Book IV, Ch. III, § 20, p. 552.
- 28) Cf. e.g. Feuerbach, "The senses illumine the world to us, but their light is not their own, rather, it comes from the central sun of the mind". Quoted from Gregory, *Scientific Materialism*, p. 20.

this reality without the help of revelation. Every man, however, needs the help of the philosopher to destroy the illusions fostered by "the nature of the human soul-life".²⁹⁾ The light for Hägerström is, of course, his own philosophical view according to which knowledge is indubitable and infallible, because it is in accordance with the very principle of knowledge itself.

Hägerström invites us to think of him as one who has come to destroy man's metaphysics and to fulfil man's hope for a complete understanding of life in nature and society. Thus, Hägerström thinks of himself as initiating a Copernican Revolution, that is a new age founded on a solid foundation of knowledge, in which it is for the first time understood that there is but one world, a single harmonious whole, and that this world can be known only by the use of science, expressed in a system of self-consistent judgements.

The traditional religion of Christianity has to be replaced by the new religion of science. Hence the reference to light, in the above quotation, which also carries the implication of being a symbol of science, i.e. electricity, which expels the forces of darkness in a quite literal sense. Thus, "light" points to another strand in Hägerström's thinking, that is his naturalism, where mind has emerged from material processes. The only way to understand these processes is the scientific or cognitive view. In whichever way one interprets Hägerström's metaphor of light, it is through science in the sense of thinking that men are related to the world of nature and society in a meaningful way. Thus, Secular, not Christian, perfection by knowledge is the hopeful note which Hägerström sounds as his counterblast to Christian dramas of salvation by means of faith, feelings or volitions.

Certainly for his disciples Hägerström ignites the light, or rather Hägerström is the light. The fact that this light comes from without is by no means to be considered to be an illusion.

29) The expression is Hägerström's, see PR p. 210. Cf. below p. 219.

There is a dilemma here for Hägerström, which I believe is important for understanding his writings. On the one hand Hägerström proclaims his awareness of his own importance as having a mission, which is actualized in and through his philosophical writings. On the other hand, Hägerström needs to be recognized by others in order to maintain his sense of importance and uniqueness. Basically, Hägerström's longing was always to be important and significant to someone else. He found this importance and significance by being recognized by his students as an object in the real world. An application of the Berkeleian principle: to be is to be perceived, in the case of Hägerström: to be is to be recognized by someone else.³⁰⁾

Thus, there is a mutual dependence between Hägerström and his devoted pupils. Hägerström is the light, and they reflect it. He who is not with Hägerström is eo ipso against him. This explains, I think, Hägerström's wrath against dissenters, his "polemical acerbity" in his writings, which, however, "are strictly scientific".³¹⁾ Hägerström is only what other people regard him as being. And his acolytes regard him as a God.³²⁾ For these acolytes Hägerström is the torch of knowledge, and it is their mission to hand it over, that is to preserve Hägerström's existence as well as his fundamental propositions.

Thus, Hägerström sent out a stream of dedicated pupils,³³⁾

30) Cf. Hägerström, "In the abstract one needs an object in order to be conscious --- which exists independently of me or outside of me", PR p. 187.

31) The quotations are taken from Olivecrona's preface, see Hägerström INLM p. XVI and p. XXI. The word "scientific" is used, I take it, as meaning "conforming to Hägerström's guiding principles".

32) Cf. Folke Schmidt, "There existed between Hägerström and Lundstedt what can only be described as a God-to-Prophet Relationship", The Uppsala School of Legal Thinking, Scandinavian Studies in Law, vol. 22, 1978, at p. 160.

33) For a list see Festschrift tillägnad Axel Hägerström, 6. September 1928, Uppsala 1928. - Attention is drawn to the fact that one prominent pupil of Hägerström was the former General-Secretary of the United Nations, Dag Hammarskjöld. - Dag Hammarskjöld wrote in a letter to Hägerström's daughter: "Let me in this connection tell you that meeting Axel Hägerström - as man and scholar - not only was one of the greatest experiences in my student days but ever since has kept its importance for me through the years". Quoted from Waller p. 207. (My translation).

who carried with them the conviction that the philosophy they had learnt by listening to Hägerström, the philosopher and their spiritual mentor, is an important thing, since its claim is to have established the essential truth about the whole human life on a scientific basis. Hägerström has pioneered a new area of scientific study with deep implications for mankind. Hägerström's disciples spread his message to the general educated public, where it had a tremendous effect on current social, political, and moral issues, and made a centre of discussion in the columns of the leading newspapers.³⁴⁾

I shall, in this book, refer to his messengers, A.V. Lundstedt and Karl Olivecrona, among jurists, and their clinging to the conviction that Hägerström's philosophy is very important indeed, whatever the precise rational grounds for that philosophy may be.³⁵⁾ Olivecrona writes that Hägerström's

"results - if they contain an essential element of truth - are very far-reaching; they obviously cannot be adequately appreciated until the validity of his criticism has been thoroughly tested; and even then, the consequences will appear only gradually."³⁶⁾

The last sentence is mystifying, since it presupposes that the validity of Hägerström's criticism is established.

If it turns out to be the case that it can be shown that Hägerström's criticism is invalid, does Olivecrona then suggest that the consequence of this will only appear gradually in the sense that Olivecrona, say, still goes on to believe, rather than disbelieve, in the validity of Hägerström's criticism? If so, he is not rational. "In every

34) Cf. Lars Gustafsson, *The Public Dialogue in Sweden*, Stockholm 1964.

35) Cf. Lundstedt, in *Legal Thinking Revised*, p. 11, who quotes a favourable review of his "Superstition or Rationality" by a Swiss jurist Albert Heider, in which Lundstedt is "compared with an Einstein". It is quite clear that Lundstedt is very flattered by this remark. But he should not be so, bearing in mind that Hägerström considers Einstein to be an arch metaphysician, see Hägerström, *EE* p. 9. For Olivecrona, see *Law as Fact*, (1st ed., London 1939, reprinted with notes) London 1962, Preface. And see above at note 21.

36) Olivecrona, in Hägerström *INLM* p. XXIII-XXIV, cf. below p. 140.

case, the assent ought to be proportioned to the evidence".³⁷⁾ If Hägerström's criticism has been shown to be invalid, then one should disbelieve it; if it has been shown to be valid, one should believe it, and if it has not been shown to be either, which Olivecrona suggests by his remark about testing, one should not believe it nor disbelieve it, but rather try to establish whether the criticism is valid or not. - This is what I shall try to do. I believe that Hägerström's criticism does not pass the test. The following sections are devoted to establishing that.

3. The Background for Hägerström's Copernican Revolution

In "Das Prinzip der Wissenschaft" Hägerström makes the ambitious claim that he has solved the problem of the foundation of knowledge. Hägerström offers a diagnosis of the failures of previous epistemological theories and presents his own prescription,

"nämlich als Begriff der Realität als absolut notwendig mit sich selbst identisch."³⁸⁾

That is to say, knowledge (science in the German sense of *Wissenschaft*) must have one, and only one basic principle. This basic principle is the only real foundation and firm standpoint of any claim of knowledge. The basic principle is the principle of identity of the concept of reality with itself, which is indemonstrable and self-evidently true. The acme is the concept of reality as the only solid foundation for discovering what is true. This is what Hägerström proudly announces as "die kopernikanische Umwälzung in der Erkenntnistheorie", the Copernican Revolution in the theory of knowledge.

It is interesting to compare Hägerström's remark with the remark made by Feuerbach, who wrote,

"The Copernican system is the most glorious victory idealism and reason have achieved over empiricism and the senses."³⁹⁾

37) Reid, *Essays on the Intellectual Powers of Man*, p. 43.

38) Hägerström, *Das Prinzip der Wissenschaft*, p. 76, cf. above Ch. II, p.53.

39) Feuerbach, *Werke*, Bd. II, p. 136. Quoted from Gregory, *Scientific Materialism*, p. 21, cf. p. 234, note 57.

Hägerström's intention is, however, to refute idealism, but uphold reason. His use of the phrase "Copernican Revolution" alludes to Kant, and is meant to combat Kant's solution of the problem of knowledge. - Hägerström is not the only philosopher to arrive at the idea of a revolution in philosophy. In order to understand Hägerström's revolution I think it is appropriate to consider what Kant says about his Copernican Revolution, and also what the Copernican Revolution is about.

Kant's Copernican Revolution in epistemology is rather anti-Copernican. The revolution in astronomy advanced by Copernicus' theory consists in the thesis that the earth is a planet revolving on its axis and circling around the sun, while the fixed stars remain at rest.⁴⁰⁾ This heliocentric theory involves the assertion that the correct point of reference in astronomy cannot be considered to be the earth, as had been taken for granted by the adherents of the Ptolemaic geocentric theory, but must be the fixed stars and the sun. Copernicus' theory presents a challenge to the geocentric theory, which could be supported by a literal interpretation of the Bible as well as the testimony of the senses. The latter is important. As Burtt writes, "contemporary empiricists, had they lived in the sixteenth century, would have been first to scoff out of court the new philosophy of the universe."⁴¹⁾

This new philosophy was accepted primarily because of its simplicity, and secondly because of the revival of mathematical studies, which suggests a Platonic-Pythagorean orientation as the scientific way of viewing the universe.⁴²⁾

A scientist who has this orientation believes and looks for regularities present in the structure of the universe, which is fundamentally mathematical in character. Copernicus "sought mathematical harmony in phenomena, be-

40) For what follows on Copernicus I am indebted to E.A. Burtt, *The Metaphysical Foundations of Modern Physical Science*.

41) Burtt, *Metaphysical Foundations*, p. 25.

42) See, besides the book by Burtt referred to, John Losee, *A Historical Introduction to the Philosophy of Science*, Oxford 1972, p. 17. The next quotation is to be found at p. 44.

cause he believed that they were "really there". The implications of the new philosophy of the universe are that genuine knowledge is mathematical knowledge, and that the real world is mathematical. According to the Copernican theory, the sun, not the earth, is the fundamental point of reference. An important implication of this theory was that man had lost his privileged position in the universe. Man was not a subject suited to mathematical study, and man was reduced to being a discoverer of the external world of resting and moving objects. The external world is the primary world, the secondary world is man's world of colours and sounds, pleasures and passions.

"It was inevitable that in these circumstances man should now appear to be outside of the real world; man is hardly more than a bundle of secondary qualities."⁴³⁾

Man's position is then no longer to be exalted above nature.

Descartes' dualism between man's mind and man's body sets the stage for a development, where "man begins to appear for the first time in the history of thought as an irrelevant spectator and insignificant effect of the great mathematical system, which is the substance of reality."

The only thing in common between man and the real world of bodies is man's ability to discover this world. But how is this possible? Descartes set out to answer this question in order to combat the prevalent scepticism, which doubts man's capability of gaining reliable knowledge. And Descartes succeeded - at least to his own satisfaction - by employing the method of complete and systematic doubt as a critical test coupled with the methodological principle of clear, distinct, and non-contradictory ideas, ending in the famous Cogito, as constituting the foundation for all knowledge.

"The great revolution, which Descartes produced in philosophy, was the effect of a superiority of genius aided by the circumstances of the times",

Reid writes.⁴⁴⁾

43) Burtt, *Metaphysical Foundations*, p. 80, referring to Galileo, and to Descartes for the following quotation.

44) *Essays on the Intellectual Powers of Man*, p. 135, cf. p. 150 and p. 674 on Descartes' "remarkable revolution in philosophy".

The great revolution in philosophy consists in the overthrow of the authority and infallibility of Aristotle, which hinders man from using his intellect. The revolution also consists in drawing a distinct line between the material and the intellectual world. And the obvious consequence of this distinction is that - in Reid's words -

"accurate reflection on the operation of our own mind, is the only way to make any progress in the knowledge of it."⁴⁵⁾
This is the background for Kant's Copernican Revolution.⁴⁶⁾

My claim, made above, is that the Kantian Revolution is an anti-Copernican Revolution. My reason for this claim is that Kant puts the perceiving and thinking mind into the centre of the universe. The point of reference is not the sun, but the human mind. The human mind is not merely a passive mirror of nature, but plays an active part in imposing the mathematical harmony upon the material presented by the senses.

About his revolution Kant writes,

"Hitherto it has been assumed that all our knowledge must conform to objects. But all attempts to extend our knowledge of objects by establishing something in regard to them a priori, by means of concepts, have, on this assumption, ended in failure. We must therefore make trial whether we may not have more success in the tasks of metaphysics, if we suppose that objects must conform to our knowledge."⁴⁷⁾

In Kant's view, the objectivity and possibility of knowledge is secure, because, in his own formulation,

"the understanding does not draw its laws (a priori) from nature, but prescribes them to nature."⁴⁸⁾

Kant takes it for granted that there is knowledge. He does not question that knowledge exists, but rather

45) Reid, *Essays on the Intellectual Powers of Man*, p. 141.

46) I do not wish to imply that Kant is influenced by Reid. According to A.D. Woozley, "it is fairly clear that he (i.e. Kant) had never read him (i.e. Reid)". Thomas Reid, *Essays on the Intellectual Powers of Man* (Edt. A.D. Woozley), London 1941, p. XIII.

47) Immanuel Kant, *Critique of Pure Reason* (translated by Norman Kemp Smith) London 1976, p. B XVI (p. 22). - I am indebted to W.H. Walsh, *Kant's Criticism of Metaphysics*, Edinburgh 1975, for my understanding of Kant.

48) Kant, *Prolegomena to any Future Metaphysics that Will be able to Present Itself as a Science* (translated by P. Gray Lucas), Manchester 1978, § 36 (p. 82).

accepts mathematics and the Newtonian picture of the universe. For Kant the problem presented is: How is scientific knowledge possible? His answer is the theory of pure a priori intuitions of space and time, which provide the form of all human experience. What is given in this way must, however, be subsumed under categories, if knowledge is to result.

According to Karl Popper's summary of the Kantian epistemology, Kant makes man the lawgiver of nature. The implication of this is that

"we must give up the view that we are passive observers, waiting for nature to impress its regularity upon us. Instead we must adopt the view that in digesting our sense-data we actively impress the order and the laws of our intellect. Our cosmos bears the imprint of our minds."⁴⁹⁾

Another implication of Kant's epistemology is that man must recognize that there are limits to knowledge.

"We must never go beyond the limits of reason and experience. If we do so, then we are liable to get involved in illusions, and are groping at random instead of following the secure path of science. It is the first and most important task of philosophy to deprive metaphysics, once and for all, of its injurious influence, by attacking its errors at the very source."⁵⁰⁾

The very source of metaphysical errors is to foster a general scepticism, e.g. the scepticism advanced by David Hume's philosophy, which threatens to undermine the reliability of mathematics and natural science. This scepticism further undermines morals, religion, and law by suggesting that proofs of the existence of God and proofs of human responsibility are unfounded, and hence must be discarded.

Thus, Kant sets out "to deny knowledge in order to make room for faith".⁵¹⁾ There is, indeed, knowledge, since general scepticism is unfounded. The sceptic can only formulate his position by assuming what he attempts to deny, that is the declaration that there is no rational basis for our beliefs about the world. But there is a rational basis for our beliefs about the world, Kant argues.

49) Karl Popper, *Conjectures and Refutations*, p. 180-1, cf. p. 95 and 191.

50) Kant, *Critique*, p. B XXXI (p. 30). Cf. below p. 104.

51) Kant, *Critique*, p. B XXX (p. 29).

Investigation of the empirical world is governed by the intuitions of space and time as categories, both of which are indispensable for arriving at knowledge about phenomena in the world. The intuitions of space and time and the categories, e.g. the category of causality, are necessary conditions for perceptual experiences of phenomena in the world of nature. All events in this world are necessarily connected with other events according to the category of causality. It is a question of empirical investigation to discover the regularities, which actually hold between events. It is not legitimate to apply the category of causality beyond the empirical realm of spatio-temporal things, processes and events. Hence claims, made by the traditional metaphysicians to arrive at knowledge of God, the soul, and the world as a whole, are not legitimate claims. They are not legitimate, because the metaphysicians commit the fallacy of transcending the limits of our experience. They make claims about the realm of the supersensible, but this realm must forever remain unknown.

Though Kant has a tremendous respect for natural science and mathematics, he does not think of those disciplines as containing everything that can be said significantly. Kant does not adhere to the doctrine of naturalism and positivism, which claims the omniscience of science. There are also disciplines dealing with God, morality and law, and statements in these disciplines are meaningful, even if the meaning of these statements is established in ways, which differ from those in which scientific or everyday empirical statements are established. The merit of Kant's philosophy, as he sees it himself, is "that it vindicated the claims of science without sacrificing the rights of morality, a result achieved by distinguishing sharply between the phenomenal and noumenal orders and associating science with the first, morals with the second. Given this analysis no scientific discovery could threaten human freedom or challenge the validity of the other postulates of practical reason: whatever the state of human knowledge, morals remain autonomous."⁵²⁾

52) Walsh, Kant's Criticism of Metaphysics, p. 5.

In his philosophy Kant introduces the concept of thing-in-itself as a limiting concept to "curb the pretensions of sensibility".⁵³⁾ Kant's claim is that this concept is "no arbitrary invention" of his. The concept has a necessary function for upholding the distinction between appearance and reality, between what is un-knowable and what is knowable, or between freedom and necessity.

Kant's successors, e.g. F.H. Jacobi, J.G. Fichte, F.W.J. Schelling and G.W.F. Hegel accept the claims of the Kantian Copernican Revolution that man is free, and that it is man's mind which structures the world. What they cannot accept is the Kantian notion of thing-in-itself, because this implies that man cannot grasp the ultimate reality. This is a dogmatic claim, which must be opposed. The notion of thing-in-itself is an arbitrary invention of Kant, and can safely be eliminated as a factor in the explanation of human experience of reality. If it is the case that man's ideas of an external reality are accompanied by a feeling of necessity, or accompanied by the feeling of being imposed upon or affected by an object existing independently of mind or thought, then the Kantian concept of thing-in-itself is useless. The problem is to give an account of what is logically presupposed by man's experience of the world.

As Fichte says, the philosopher is faced with a choice between two - and only two - systems, when he wants to explain human experience.⁵⁴⁾ The two systems are idealism and dogmatism. The fundamental concept for dogmatism is the concept of thing-in-itself. Dogmatism explains human experience as passive. Human experience is conceived as the effect of objects imposed upon consciousness. The implication is that the proper way for investigation is to begin with objects, and expect this investigation to yield knowledge of the fundamental structure of reality. The fundamental concept for idealism is the concept of intelligence-in-itself, in Fichte's terminology the absolute ego. Idealism explains human ex-

53) Kant, Critique, B 311, (p. 272).

54) Cf. J.G. Fichte, Grundlage der gesamten Wissenschaftslehre, 1794, in Werke (Hrsg. I.H. Fichte) Bd. 1, Berlin 1971, p. 426.

perience as creative. Intelligence or the absolute ego is the cause of objects in the world. The implication is that the proper way for investigation is to begin with the activity of thinking, and in this way give an account of the fundamental structure of reality. For Fichte the choice between dogmatism and idealism depends upon what sort of man you are, that is in the end your interests.

"Der letzte Grund der Verschiedenheit des Idealisten und des Dogmatikers ist sonach die Verschiedenheit ihres Interesses."⁵⁵⁾

For Fichte, dogmatic philosophers cannot give a consistent account of consciousness or the activity of thinking. Consciousness is ultimately reduced to something material which is inert. Since consciousness by its very nature is active, dogmatism must be rejected in favour of idealism. In contrast to the static Kantian world view, idealism is a dynamic world-view, stressing the idea of a process, through which man manifests himself, and thus makes room for the emergence of a state of affairs, in which both man's existence and freedom are a reality. For idealism the basic fact is the self as the activating principle of the world. In the beginning is the act of consciousness which is its own evidence, or in other words the act is self-certifying.

Idealism is the philosophy of progress in contrast to dogmatism, which upholds the prevailing conditions.

"Ein von Natur schlaffter oder durch Geistesknechtschaft... erschlaffter oder gekrümmter Charakter wird nie zum Idealismus erheben."⁵⁶⁾

The philosophy, which makes for progress, is to be preferred to the philosophy, which does not. Since idealism makes for progress, Fichte opts for idealism. The task of idealism as a way of philosophizing is the clarification of the activity of consciousness. The highest form of consciousness is the active, reflective, rational self-consciousness achieved by the philosopher, because he alone among other people recognizes Mind or Spirit as the basic

55) Fichte, Wissenschaftslehre, p. 434.

56) Fichte, Wissenschaftslehre, p. 434.

principle of knowledge and reality.

The culmination of idealism is the Hegelian theory of absolute idealism, where reason is the unity of on the one hand consciousness of sensible external objects and on the other self-consciousness ending up with an identity between objectivity and subjectivity. The result is that reason is constitutive of the world, not as Kant holds a mere form which the human mind imposes upon the world. The nature of reality is rational, so it can be completely grasped by philosophical thought. There is no need at all for making the concession that there is room for faith to yield an adequate representation of reality. Philosophical thought is able to attain genuine knowledge of the essence of reality.

Hence Hegel's dictum "Was vernünftig ist, das ist wirklich; und was wirklich ist, das ist vernünftig" (What is rational is actual and what is actual is rational).⁵⁷⁾ And world history shows the progress of the consciousness of freedom. "The absolute end and aim of the world (is) freedom realized".⁵⁸⁾

Hegel's philosophy is - to use Popper's characterization -

"undoubtedly an attempt to re-establish rationalism on a new basis. It permitted the philosopher to construct a theory of the world out of pure reasoning and to maintain that this must be a true theory of the real world. Thus it allowed exactly what Kant had said to be impossible. Hegel, therefore, was bound to try to refute Kant's arguments against metaphysics. He did this with the help of his dialectic."⁵⁹⁾

Hegel's philosophy does have a revolutionary character, Friedrich Engels asserts.⁶⁰⁾ The revolutionary character consists in the insight in the nature of truth. Truth is never a body of dogmatic propositions but rather truth is developed in the process of knowing itself. Hegel's crucial point is that truth is not static but undergoes a dialecti-

57) G.W.F. Hegel, *Philosophy of Right* (transl. with notes by T.M. Knox) Oxford 1952, Preface p. 10. Cf. Knox' note p. 302.

58) Hegel, *Philosophy of Right* § 129, p. 86.

59) Popper, *Conjectures and Refutations*, p. 326.

60) Cf. Fr. Engels, *Ludwig Feuerbach und der Ausgang der klassischen deutschen Philosophie*. Reprinted in *Karl Marx - Friedrich Engels, Werke*, Bd. 21, Berlin 1973, p. 267.

cal development in time. Reason is historical, but Hegel is wrong in thinking that reality is spiritual and that his philosophy is the culmination of the development of the world-spirit.

Engels and Marx accept Hegel's notion of the dialectical process but they give it a materialistic twist.⁶¹⁾ Reality has the character of being material, not spiritual. Further, Engels, like Fichte, claims that there are at bottom only two main philosophical systems. Whereas the Fichtean dichotomy is idealism and dogmatism, Engels draws the dividing line between idealism and materialism.

The basis for Engels' dichotomy between idealism and materialism is to be found in different theological conceptions, which in turn entail different epistemological consequences. Idealism asserts the creation of the world by God. Thus, it entails the primacy of spirit or mind to nature or matter, and makes human consciousness the starting-point for inquiries about nature. By contrast materialism denies that the world is created by God. The world has been there from eternity. Thus, materialism entails the primacy of matter or nature to mind or spirit, and makes the objects of man's consciousness the starting-point for inquiries. Man, according to materialism, is nothing without an object: it is only in objectivity that he recognizes himself. By contrast, idealism asserts that it is only in subjectivity that man can recognize himself.

Engels addresses himself to the question, "Has God created the world, or is the world there from eternity (Ewigkeit)?"

"Je nachdem diese Frage so oder so beantwortet wurde, spalteten sich die Philosophen in zwei grosse Lager. Diejenigen, die die Ursprünglichkeit des Geistes gegenüber der Natur behaupteten, also in letzter Instanz eine Weltschöpfung irgendeiner Art annahmen - und diese Schöpfung ist oft bei den Philosophen, z.B. bei Hegel, noch weit verwickelter und unmöglicher als im Christentum -, bildeten das Lager des Idealismus. Die andern, die die Natur als das Ursprüngliche ansahen, gehören zu den verschiedenen Schulen des Materialismus."⁶²⁾

61) Cf. Karl Popper, *Conjectures and Refutations*, p. 331 ff., cf. below p.133.

62) Engels, *Ludwig Feuerbach*, p. 275.

Another important question concerns the relation between man's thinking and reality, or as Engels puts it "Wie verhalten sich unsere Gedanken über die uns umgebende Welt zu dieser Welt selbst?"

Engels' question is

"Ist unser Denken imstande, die wirkliche Welt zu erkennen, vermögen wir in unsern Vorstellungen und Begriffen von der wirklichen Welt ein richtiges Spiegelbild der Wirklichkeit zu erzeugen?".⁶³⁾

Engels' answer to this question is that both idealism and materialism maintain that we are able to "produce a correct reflection of reality".

"Alles, was einen Menschen bewegt, den Durchgang durch seinen Kopf machen muss - sogar Essen und Trinken, das infolge von vermitteltst des Kopfs empfundenem Hunger und Durst begonnen und infolge von ebenfalls vermitteltst des Kopfs empfundner Sättigung beendet wird. Die Einwirkungen der Aussenwelt auf den Menschen drücken sich in seinem Kopf aus, spiegeln sich darin ab als Gefühle, Gedanken, Triebe, Willensbestimmungen."⁶⁴⁾

The vital difference between materialism and idealism is that idealism regards the real things as images or "ideale Strömungen" and "ideale Mächte", whereas materialism comprehends concepts as images of real things.

Concerning the question whether knowledge of the world is possible Engels' claim is that this is indeed possible. The sceptical views of Hume and Kant are refuted in practice. As Engels writes,

"Das Entscheidende zur Widerlegung dieser Ansicht ist bereits von Hegel gesagt, soweit dies vom idealistischen Standpunkt möglich war; was Feuerbach Materialistisches hinzugefügt, ist mehr geistreich als tief. Die schlagendste Widerlegung dieser wie aller andern philosophischen Schulen ist die Praxis, nämlich das Experiment und die Industrie. Wenn wir die Richtigkeit unsrer Auffassung eines Naturvorgangs beweisen können, indem wir ihn selbst machen, ihn aus seinen Bedingungen erzeugen, ihn obendrein unsern Zwecken dienstbar werden lassen, so ist es mit dem Kantischen unfassbaren "Ding an sich" zu Ende."⁶⁵⁾

As one example of how practice can assure us that we have genuine knowledge of a real and independent world Engels mentions that the truth of the Copernican system

63) Engels, Ludwig Feuerbach, p. 275.

64) Engels, Ludwig Feuerbach, p. 281-2.

65) Engels, Ludwig Feuerbach, p. 276.

was proved when, the position of a hitherto unknown planet having been calculated in terms of the Copernican hypothesis, the planet was actually found to be there.

Clearly, for Engels as well as for Marx, the choice between idealism and materialism depends upon one's interests. In contrast to Fichte, however, Engels and Marx opt for materialism rather than idealism as the true philosophy. Idealism presupposes theism and entails epistemological idealism. Materialism presupposes atheism and entails epistemological realism.

Hence Marx claims, in his second thesis on Feuerbach, "it is in practice that man must prove the truth, i.e. the reality and power, the 'this-sidedness' of his thinking. The dispute over the reality or non-reality of thinking which is isolated from practice is a purely scholastic question".⁶⁶)

For the person who is interested in progress and truth as opposed to bondage and mystifications the choice is easy. He opts for materialism as the only basis for his thought and action.

Philosophers can be divided into materialists and idealists. The fundamental distinction between them is the fact that for materialists nature is primary and spirit secondary, while for idealists the reverse is the case. Materialists claim that it is possible to know the world completely, that is the doctrine of the omniscience of science. Idealists, on the other hand, deny the possibility of fully knowing the world.

Lenin accepts Engels' fundamental division of philosophical systems. Interpreting Marx and Engels Lenin writes that the various philosophical utterances by Marx have but one

"invariable basic motif: insistence upon materialism and contemptuous derision of all obscurity, of all confusion and all deviations towards idealism. All Marx's philosophical utterances revolve within these two fundamental opposites, and from the standpoint of professorial philosophy, their defect lies in this "narrowness" and "one-

66) Karl Marx, Theses on Feuerbach. Quoted from K. Marx and F. Engels, Selected Works, vol. II, Moscow 1958, p. 403.

sidedness". In reality, this refusal to recognise the hybrid projects for reconciling materialism and idealism constitutes the great merit of Marx, who moved forward along a sharply-defined philosophical road. Entirely in the spirit of Marx, and in close collaboration with him, Engels in all his philosophical works briefly and clearly contrasts the materialist and idealist lines in regard to all questions, without ... taking seriously the endless attempts to "transcend" the "one-sidedness" of materialism and idealism, to proclaim a new trend - some kind of "positivism", "realism", or other professorial charlatanism."⁶⁷⁾

On the basis of materialism as the fundamental principle for thought and action it is possible to criticize the existing society and thus create a better society by revolutionary action. - As Marx writes,

"the philosophers have only interpreted the world in various ways, the point, however, is to change it".⁶⁸⁾

What I have tried to do in this section is to present some of the revolutions in philosophy, which form the background for Hägerström's Copernican Revolution, which took place in 1908 with the publication of "Das Prinzip der Wissenschaft". It is worth noticing, I think, that what Hägerström calls his revolution takes place in the decade of other revolutions within physics, especially Einstein's famous paper from 1905 on the theory of relativity, which becomes the leading theory among physicists and mathematicians. According to this theory, the basis of the description of nature is the principle of relativity, which in turn leads to revision of Newtonian mechanical and physical principles. Einstein's important discovery opens new prospects for scientists to a world-view modelled by scientists.

Hägerström's Copernican Revolution can, I suggest, be seen as a reaction against this new scientific world-view from a philosophical perspective. Philosophy fears science, because science does not fear philosophy. And Hägerström, besides his fear of the religious world-view, fears also the new scientific world-view of relativity, which threatens

67) V. Lenin, *Materialism and Empiro-Criticism*. Quoted from *Collected Works*, vol. 14, Moscow 1962, p. 337-8.

68) Marx, *Theses on Feuerbach*, No. XI.

Hägerström's view of the existence of a real, unchangeable and independent world. This is the context for Hägerström's claim that scientists do not properly understand what they are doing. As Hägerström writes,

"Das naturwissenschaftliche Denken wird dadurch in die Irre geführt, dass es nicht weiss, was es selbst voraussetzt. Und damit ist das Tor für alle möglichen mystischen Ausdrucksweisen geöffnet, wie etwa, dass der Raum vierdimensional sei und etwas existieren könne, ohne dass Körper vorausgesetzt werden."⁶⁹⁾

Scientists interpret the world by the theory of relativity, theologians interpret the world in their various ways. They both do so, if we follow Hägerström, without having a proper foundation for their interpretations. Hägerström sets out to provide that foundation. What he wants is philosophy and science in general "to enter on the sure path of knowledge" based upon a single, basic principle.⁷⁰⁾

In the following two sections I shall offer two versions of Hägerström's Copernican Revolution. One claim is that it is a version of idealism, and that there is nothing revolutionary in Hägerström's epistemology. My other claim is that it is a version of materialism, and that there is nothing revolutionary either to be found here.

4. Hägerström's Revolution: Idealism

Hägerström's revolution takes its departure from Kant's Copernican Revolution. When Hägerström was introduced to Kant's philosophy, his attitude was one of unquestioning awe towards the Kantian principles. Hägerström rejects the Bible as the criterion of true knowledge and substitutes Kant's philosophy as providing the fundamental basis for defending one's claims to possess knowledge, cf. Ch.I p.10, Ch.II p.44.

Hägerström's life becomes a life concerned with intellectual problems, but his submission to the Kantian philosophy does not last. Hägerström begins to question the reliability of Kant's philosophy, which is, according to

69) Hägerström, EE p. 8, cf. above Ch. II, p. 55.

70) The quoted phrase alludes to Kant, Critique of Pure Reason, p. B IX (p. 18).

Hägerström, a version of idealism, making

"the unity of self-consciousness the ultimate ground of the objectivity of knowledge".⁷¹⁾

In a letter to his mother, written immediately after his having been considered unqualified for the professorship in Uppsala, Hägerström writes,

"if someone in his one hand holds the offer of all the happiness, riches, glory, tranquillity of mind and so on but absence of every pursuit of my vocation in life, and in his other hand every possible form of unhappiness, poverty, disgrace, and agonies of the soul but in addition a life filled with striving after my vocation in life, I should without any doubt whatsoever pick the latter hand."⁷²⁾

Thus, Hägerström's restless mind carries him beyond his parents' religious beliefs, through the commonplace Kantian philosophy of his contemporaries in Uppsala, to his own way of finding the truth, in search for a principle, by which the truth will be so manifest, so well recognized by all that no force in the universe can ever make the alternative possible. Hägerström did find such a principle, viz. the principle of reality, as the logical condition for every particular form of knowledge. This is the Copernican Revolution in epistemology as well as in Hägerström's own personal life. The criterion for the religious consciousness is tradition or the revealed word of God in the Bible. The criterion for the ordinary consciousness is sense-experiences. For Hägerström to follow these ways of arriving at knowledge amounts to following the ways of superstition and magic. The right way to follow is to follow the way of truth, and this is tantamount to following the way of the philosopher's judgement and thinking.

Hägerström's preoccupation with Kant's philosophy in particular, and the idealist movement in general, led him to "nihilism".⁷³⁾ Nihilism denotes the sceptical position

71) Hägerström, PR p. 33.

72) Waller, p. 123. There is no information concerning the date of the letter, but it must have been around March 1896, cf. above Ch. I, p. 16 f. My translation of Hägerström's letter, the text of which reminds one of G.E. Lessing's famous dictum, cf. John Passmore, *The Perfection of Man*, London 1970, p. 48. - And see Hägerström, PR p. 257.

73) Hägerström, PR p. 35. Hägerström probably takes over the notion →

which involves the total rejection of the possibility of knowledge and the denial of existence of external objects. What "nihilism" amounts to is, then the epistemological thesis that there is reason for accepting the existence of only one mind and its attributes as well as the ontological thesis that only a mind and its attributes exist. This position is also known as solipsism, and Hägerström falls into the trap.⁷⁴⁾

I am not quite sure whether Hägerström makes the distinction between solipsism (nihilism) as an ontological claim and as an epistemological claim. Anyway the way out of the trap of solipsism, in the ontological version, is easy, since it is not a defensible position at all. Even Hägerström has to acknowledge that he is not the only person in the world. If he was, this would condemn him to complete and permanent silence. What could be a worse fate for Hägerström? His huge literary production is a sufficient proof that ontological solipsism is untenable.⁷⁵⁾ Another question is, of course, whether Hägerström's writings consist of words and sentences expressing judgements, that is knowledge, or something else, that is expressions of feelings.

When Hägerström seeks "with all my might to work my way out of nihilism", to use his own words, he has probably nihilism in the epistemological version in mind. This is tantamount to the question whether knowledge is possible at all, which is to return to the position of Descartes. Unlike Descartes, Kant does not question that knowledge exists, but this is precisely Descartes' predicament. And Descartes' way out is to use scepticism as a

73) (continued) from the German philosopher F.H. Jacobi who introduces "nihilism" in a philosophical context, see The Shorter Oxford English Dictionary, sub "nihilism", vol. 2, p. 1404. - It might be added what Berkeley writes, around 1707-1708, about the mathematicians: "I see no wit in any of them but Newton, the rest are mere triflers, mere Nihilarians", Philosophical Commentaries (Edt. A.A. Luce) Edinburgh 1944, Entry 372.

74) Cf. Hägerström, PR p. 35.

75) Cf. Hägerström, PR p. 288.

means to achieve certainty, not as a means to doubt only for the sake of doubting.⁷⁶⁾

Descartes' doubt does not consist in the giving up of all opinions, as a sceptic's doubt might. This is the case with the sceptic, who "foolishly wishes to close his eyes to all light".⁷⁷⁾ Descartes' doubt amounts to an active attempt to think the contrary of what we usually believe. As Popkin writes,

"The cogito functions not, as some of the critics claimed, as the conclusion of a syllogism, ... but as the conclusion of doubt. Just by pushing scepticism to its limit, one is confronted with a truth that one cannot doubt in any conceivable manner. The process of doubting compels one to recognize the awareness of oneself, compels one to see that one is doubting or thinking, and that one is here, in existence. This discovery of true knowledge is not miraculous, not a special act of Divine Grace. Instead the method of doubt is the cause rather than the occasion of the acquisition of knowledge."

Descartes resorts to the discovery of one absolutely certain truth, the cogito, to overthrow the sceptical position that everything is uncertain. - The Cartesian method of doubt is a basis for rational discourse, which makes it possible to recognize other truths.

Descartes is primarily interested in the question: "What can I know?" rather than the question: "What can men know?". Descartes' experience of the cogito turns on his inner light, so that he can now see what other propositions are true. The illumination produced by this inner light reveals the only proper standard or criterion of truth, that is the criteria of clarity, distinctness and absence of contradiction as the ultimate test of the meaningfulness and truth of ideas. Descartes' assumption is that all science must be founded on a principle of absolute certainty. This principle cannot be man's sensations, but must be man's self-consciousness, the cogito, which makes the nature of man to be intimately connected with the notion of thinking.

76) Cf. Richard H. Popkin, *The History of Scepticism*, Ch. IX. Descartes, *Conqueror of Scepticism*.

77) Popkin, *The History of Scepticism*, p. 182. Quoting an eighteenth-century Cartesian. The following passage in the text occurs at p. 183-4.

For Descartes, man's thinking is vastly superior to man's senses, and only man's reason can ultimately decide the final question of what constitutes truth in science.

Thus, Descartes' *cogito ergo sum* is

"the first of all truths, the foundation stone upon which the whole fabric of human knowledge is built, and on which it must rest. And as Archimedes thought, that if he had one fixed point to rest his engines upon, he could move the earth; so Descartes, charmed with the discovery of one certain principle, by which he emerged from the state of universal doubt, believed that this principle alone would be a sufficient foundation, on which he might build the whole system of science."⁷⁸⁾

My reason for concentrating on the Cartesian approach is that Hägerström's problem is similar to Descartes' problem, that is to refute scepticism and to establish a new scientific outlook on a solid foundation, without metaphysics, and for all practical purposes verifiable and useful as a key to what is real in nature and society. And Hägerström adopts the same procedure as does Descartes.

Hägerström asks the same question as does Descartes, i.e. "What can I know?". He proceeds to answer this by overcoming his epistemological nihilism, which has brought about a despair in Hägerström's mind with regard to the problem of "the possibility of any objectivity in knowledge".⁷⁹⁾

The problem of objectivity in knowledge is the problem whether objects of knowledge have a real and independent existence apart from any reference to a knowing mind, which furnishes the criterion of truth.

For Hägerström, epistemological nihilism

"directed to the whole compass of phenomenal consciousness makes mind for the first time qualified to test what truth is",

to use a phrase from Hegel.⁸⁰⁾ Hägerström's starting-point is nihilism, resulting in the discovery of one and only one absolutely certain truth as the foundation of knowledge.

78) Reid, *Essays on the Intellectual Powers*, p. 137, cf. p. 595.

79) Cf. Hägerström, PR p. 35.

80) G.W.F. Hegel, *The Phenomenology of Mind* (transl. by J.B. Baille). Quoted from Frederick G. Weiss, *Hegel, The Essential Writings*, London 1974, p. 48. - Cf. Hägerström, PR p. 61.

The Copernican Revolution is that the validity of knowledge of objects is based upon "the only thing which is immediately given", that is "reality as self-identity".⁸¹⁾

Hägerström's diagnosis is similar to Descartes' diagnosis. If one is to avoid error one must, Descartes holds, clarify one's ideas and only accept ideas that are clear and distinct. Hägerström's method is the method of "introspective reflection".⁸²⁾ And he locates the errors concerning the foundation of knowledge within the human mind, where it is buried or hidden under the debris of prejudices, which can, however, be removed by a philosophical exertion of thinking philosophically, penetrating and transcending the myths propagated by all other philosophers and revealing the only proper foundation of man's knowledge:

"the intuitively given reality of the object which transforms apprehension into cognition".⁸³⁾

The word "error" means, actually, "the action of wandering" suggesting a devious or winding course. Wandering, Hägerström implies, must be a deviation from the straight and constant, and having persuaded himself that he has found the course, his mission is to set people on the only right course. This is, I take it, why Hägerström also uses the expression "Copernican Revolution", since it implies turning man's mind over from confused ideas of sensations and feelings to adequate ideas of thinking, and thus restoring man to his proper place in the unchanging world of nature and society.

From Hägerström's point of view there is only one thing, which it is absolutely impossible to doubt: one cannot doubt that the concept of reality is identical with the concept of reality, that is to say, the concept of absolute knowledge is identical with the concept of reality. Or to let Hägerström speak for himself in German:

"Eines allein ist, objektiv gesehen, direkt unmöglich als nicht existierend zu denken, und dass ist die Realität als ihrem Begriffe nach unmittelbar mit sich selbst identisch, d.h. das absolute Wissen. Dies ist die Kopernikanische Um-

81) Hägerström, PR p. 50, and p. 51.

82) Hägerström, PR p. 275. Cf. Stat och Rätt, p. IV.

83) Hägerström, PR p. 51.

wälzung der Erkenntnistheorie."⁸⁴⁾

Hägerström's discovery of this fundamental truth that knowledge is equivalent to reality provides the logical foundation, which makes it possible to recognize valid claims of knowledge, since the concept of reality reveals the criterion of truth. Again I let Hägerström speak for himself in German:

"Das einzige Kriterium veri ist nach dem hier vorliegenden Standpunkte die Realität als mit sich selbst identisch. Was die Realität widerspruchsslos bestimmt, ist eo ipso real."⁸⁵⁾

Hägerström's criterion of truth is the principle of identity, that is to say that truth is its own standard.

"Even as light displays both itself and darkness, so is truth a standard both of itself and of falsity", to speak with Spinoza.⁸⁶⁾

Hägerström's revolution provides not only the answer to Hägerström's initial question: "What can I know?", but also the answer to the question: "What can men know?". There is a common, solid foundation of departure for knowing the world. When man's mind is purified from prejudices and preconceived opinions, it is capable of knowing the world.

Hägerström's epistemology leads him to the ontological view that there is but one world and this world is a rational or harmonious whole. Objects and events in nature and society come about by necessity, not by the will of God nor by man's sensations. Necessity is orderly and bound by laws, and the human mind is capable of comprehending these laws by using the faculty of reason as opposed to the faculties of feeling and volition. Hägerström's claim is to have established a secure foundation for truth without the intrusion of human bias. - And his true disciples, having heard this message, proceed to portray it as the turning point in the history of philosophy, a unique event of profound importance.⁸⁷⁾

84) Hägerström, PW p. 77, cf. PR p. 51.

85) Hägerström, PW p. 60, cf. PR p. 42.

86) Spinoza, Ethics, Part II, Prop. XLIII, Note (p. 115).

87) See e.g. Fries' Introduction to Hägerström, *Filosofi och Vetenskap*, Stockholm 1939, p. 7, cf. above Ch. II, p. 69 f.

My claim is that Hägerström's philosophy may be a unique event in his own life, a revolt against assumptions embedded in his own mind. But it is hardly a turning point in the history of philosophy. - Hägerström is not the first philosopher in the world, who claims to have found the only proper foundation of knowledge. Besides Hägerström proceeds on the assumption that there must be one and only one principle, which functions as the only proper starting-point. This assumption may very well be mistaken. There may be more than one principle, as for example Reid argues, distinguishing between principles of necessary truths and principles of contingent truths.⁸⁸⁾

For Hägerström there are only principles of necessary truths, which in the end leads to his view that all judgements are analytical judgements. If this is the case, then the judgements are true in virtue of the terms employed in judgements. I shall return to Hägerström's conception of judgements in the next chapter. What I wish to say here is that Hägerström's conception of judgement leads to the rationalist model of geometry as the ideal form of knowledge. This is important for understanding Hägerström's philosophy.

Hägerström's assumption is that knowledge, to be genuine knowledge, must be both necessary (i.e. it cannot be conceived as otherwise) and universal (i.e. it admits of no exceptions). Reason, as opposed to faith as well as sense-experience, is the ultimate appeal in judging what is real and what is unreal.

As a philosopher he carries on the tradition of rationalism, and he is profoundly at war with irrationalism and voluntarism. Hägerström's philosophy becomes comprehensible if it is seen in its relation to the problem-situation of his day. Hägerström's philosophy is directed at a philosopher like Arthur Schopenhauer, who argues that the world is my idea, and who also holds that the concept of will is

88) Reid, *Essays on the Intellectual Powers of Man*, Essay VI. Cf. also Allen Vannérus, *Hägerströmstudier* (Studies of Hägerström), Stockholm 1930, who makes this valid point against Hägerström in an otherwise erratic book.

crucial for the understanding of law, ethics, and human behaviour generally, and even the key to the understanding of reality itself. Hägerström's rationalism, however, is not "the rationalism of Socrates" but rather "the intellectual intuitionism of Plato".⁸⁹⁾ The former is characterized by the awareness of one's limitations and that we must not expect too much from reason. The latter is "the immodest belief in one's superior intellectual gifts, the claim to be initiated, to know with certainty, and with authority."

Based upon his model of knowledge Hägerström conceives it his task as a philosopher to use the faculty of reason to bring to light the broad and deep gulf, which divides knowledge from magic, reality from illusion, truth from falsity, and necessity from chance. On this basis the task is to render the universe as a whole intelligible as one determinate causal continuum and to explain man's place within this universe as the only place and one governed by inexorable laws of causality, which determine what occurs. From necessity every event has a cause. There is no freedom for man except in the rational recognition of the necessity of all things, and in the power, which reason, by this recognition, may exert over the faculties of feeling and volition.

If this is true, then Hägerström's own philosophical discovery cannot be described as a unique event, since this discovery is bound to happen within the framework of causes and effects, which operate with necessity. If all events in the world are governed by necessary laws, then the event of Hägerström's philosophy is likewise governed and bound to take place.

As a philosopher Hägerström is committed to follow an argument to its logical conclusion. As a rationalist philosopher he cannot just shrink from an unpleasant conclusion. The unpleasant conclusion, which Hägerström must accept, is that he succumbed to the very mistake of confusing thinking with feeling. From a purely objective point of view Häger-

89) I owe the quoted phrases to Popper, *Open Society and its Enemies*, vol. II, p. 227, where also the quotation in the text comes from.

ström's Copernican Revolution can be shown to be deducible from a law of nature, and thus exhibited as the effect of a cause. Thus, Hägerström cannot have acted otherwise, there is no alternative possible for him but his Copernican Revolution. This is to be consistent. But it is inconsistent to claim that it is a unique event and a turning point in the history of philosophy. The ordinary course of nature, the chain of causes and effects of which Hägerström is only an insignificant part, cannot logically be overruled by the interposition of Hägerström's efforts. There can be no miracles or unique events, and to suppose so is either to assume the existence of a divine power, or to give vent to one's feelings.

Whatever the alternative, if we follow Hägerström, we cannot accept either of them as a correct point of departure for inquiries into what reality is. Thus, Hägerström is inconsistent.

"He who remains with a self-contradiction only combines words without meaning, although he expects there will be meaning there",

writes Hägerström.⁹⁰⁾ This is an apt description of his own "Copernican Revolution". And the consequence? Again I let Hägerström provide the answer: "Now the way is open for uncontrolled fantasy".⁹¹⁾

Supposing that Hägerström has not entered the realm of fantasy but remains within the realm of thinking, then he is not the first and only philosopher in the world to put forward the claim that it is the task of the philosopher to render the universe as a whole intelligible. I have already suggested that Hägerström's philosophy can be compared with the philosophy of Spinoza. Spinoza advances his philosophy in order to make exactly the same claim.⁹²⁾ This is interesting. It is also interesting to notice what Hägerström writes about Spinoza. Lecturing on Spinoza's philosophy, Hägerström says that "Spinoza's ethics, however,

90) Hägerström, PR p. 262, cf. below p. 150.

91) Hägerström, PR p. 212.

92) Cf. Stuart Hampshire, Spinoza, Harmondsworth 1976, p. 11 with references.

subverts the entire thought-structure" by the fundamental principle "*summum bonum est cognoscere deum*".⁹³⁾ Hägerström cannot follow Spinoza's subversive thought, because the reference to God for Hägerström denotes something purely spiritual, viz. a feeling of blessedness, which cannot be conceived as something real.

Hägerström dissociates himself from Spinoza, because Spinoza, according to Hägerström's interpretation, makes the fundamental principle of knowledge and reality a principle of feeling. By contrast the fundamental principle of knowledge and reality for Hägerström is reason. But as Hampshire points out,

"the only instrument, which he (i.e. Spinoza) allowed himself, or thought necessary to his purpose, was his own power of logical reasoning; at no point does he appeal to authority or revelation or common consent; nor does he anywhere rely on literary artifice or try to reinforce rational arguments by indirect appeals to emotion."⁹⁴⁾

So Hägerström's understanding of Spinoza is not the only one, and it is at least an open question whether Hägerström does not misunderstand Spinoza. For Spinoza there is only one single intelligible universe, viz. God or nature. As Hampshire writes,

"If one remembers that 'nature' is, here as elsewhere in Spinoza's philosophy, substitutable for 'God', one sees 'intellectual love of Nature' as a phrase with altogether different, and no less familiar associations."⁹⁵⁾

Rather than suggesting something purely spiritual, other-worldly contemplation and detachment of interest from the actual material world, Spinoza's suggestion is quite the reverse, that is the passionate curiosity and delight in the infinite complexities of nature. And nature for Spinoza denotes a single intelligible causal system.

Hägerström concentrates on the notion of God, forgets everything about Spinoza's substitution, and then Hägerström is able to present Spinoza as a mystical pantheist, who

93) Hägerström, PR p. 185 (my italics). From a series of lectures delivered in 1923. There is no reference, but Hägerström has probably Spinoza's Ethics, Part V, Prop. XXXII (p. 263) in mind.

94) Hampshire, Spinoza, p. 11.

95) Hampshire, Spinoza, p. 169.

overlooks that there is but one world, the actual material world as a causal system.

Hägerström's intention, too, is to "subvert the entire thought-structure" by emancipating his fellow-citizens from superstition and ignorance, and from the blind hatred, which superstition engenders. This is also Spinoza's intention and in this respect there is no difference between them. Hägerström's Copernican Revolution in epistemology is in the tradition of rationalism. And it must be noticed that Copernicus' claim - the original Copernican hypothesis which leads to a revolution - is made on rational, not experimental, grounds. Hägerström's philosophical claims are made on rational considerations. To support this contention, I wish to draw attention to what Hägerström writes immediately after introducing his discovery of the Copernican Revolution in epistemology. Again I let Hägerström speak for himself,

"Dass die Welt nur bei dem denkenden Menschen existiert, ist ein Gedanke, der ebenso unmöglich ist wie der, dass die Erde auf dem Rücken eines Elefanten ruht. Denn der denkende Mensch ist nur ein Glied in einem umfassenden Zeitinhalt. Dass aber *die Welt* - der Mensch darin eingeschlossen - *nur ein Moment in dem absoluten Wissen ist*, dies und nicht anders, dass das absolute Wissen die Existenz selbst ist, dass ist an sich notwendig."⁹⁶⁾

What Hägerström is saying is that it is absurd to put forward the hypothesis that we - as human thinking beings - have no evidence of the existence of an external world. This is just as absurd as the hypothesis of a huge elephant invented to account for the support of the earth. Hägerström does not refer to Locke, but it brings to mind Locke's account of "the poor Indian philosopher who imagined that the Earth also wanted something to bear it up".⁹⁷⁾ This poor Indian philosopher "saying that the world was supported by a great elephant, was asked, what the Elephant rested on, to which his answer was, a great tortoise. But being again pressed to know what gave support to the broad-

96) Hägerström, PR p. 77 (my italics).

97) Locke, Essay Concerning Human Understanding, Book II, Ch. XIII, § 19 (p. 175).

back'd Tortoise, replied, something he knew not what".⁹⁸⁾ Locke's point, in telling the story, is that we use words without having clear and distinct ideas. Had the poor philosopher just "thought of this word substance, he needed not to have been at the trouble to find an elephant to support it (i.e. the earth), and a tortoise to support his Elephant: the word substance would have done it effectually".⁹⁹⁾ But then Locke leaves his reader in mystery, since for Locke the word substance is "only an uncertain supposition of we know not what (i.e. of something whereof we have no particular distinct positive Idea); which we take to be the substratum, or support, of those Ideas we do know."¹⁰⁰⁾

There are similarities³ between Locke's and Hägerström's theory of meaning, to which I shall return in Chapter IV. Hägerström's point is Locke's point: we must not use words without having clear and distinct ideas. In this connection, dealing with the problem concerning the foundation of knowledge, it is important to notice that Hägerström also believes that the hypothesis of the "poor Indian philosopher" is ridiculous and absurd. Hägerström also believes that if we cannot proceed ad infinitum, there must be an end, or ultimate principle of knowledge. If there is no such ultimate principle, then there cannot (logically) be any such thing as knowledge. Knowledge, to be possible, must have one ultimate basis.¹⁰¹⁾ We must discover this ultimate principle in the present material world, not look beyond for it in an ideal world. Hägerström's investigation of discovering the ultimate basis for knowledge is based upon an inquiry into the structure of knowledge itself, and not upon an inquiry into the nature of the world as it exists apart from the human mind.

Hägerström thus proceeds on the Cartesian distinction

98) Locke, *Essay Concerning Human Understanding*, Book II, Ch. XXIII, § 3 (p. 297).

99) Locke, *Essay Concerning Human Understanding*, Book II, Ch. XIII, § 19 (p. 175).

100) Locke, *Essay Concerning Human Understanding*, Book I, Ch. IV, § 18 (p. 95), cf. Book II, Ch. XIII, § 19 (p. 175) and Ch. XXIII, § 2, (p. 296).

101) Cf. Hägerström, PW p. 59.

between mind and matter, where knowledge in the end is based upon the contents of mind, which makes it plausible for Hägerström to conclude that an inquiry into mind must precede the inquiry into matter. The result of Hägerström's investigation is that the structure of knowledge itself contains the ultimate basis within itself, that is the principle of reality is identical with the principle of knowledge. This principle is manifested in individual human thinking beings who are moments of knowledge itself or moments of the absolute knowledge.

By supposing the absolute knowledge to contain the fundamental basis of its order within itself, Hägerström really asserts it to be God. Only God or absolute knowledge is real, ordinary human beings are but imperfect appearances of God or the absolute knowledge. Mind is only a particular modification of God or Nature's infinite power of thought, "the human mind is part of the infinite intellect of God".¹⁰²⁾ What Hägerström is saying is that the individual is just a part of the absolute knowledge. This is tantamount to objective idealism, both Hägerström and the object of his knowledge are equally real and equal manifestations of the absolute knowledge. My conclusion is that Hägerström's "Das Prinzip der Wissenschaft" is a version of objective idealism.

Hägerström's philosophy may then be compared with Hegel's philosophy. According to Hegel

"thought and thought alone has eyes for the essence, substance, universal power, and ultimate design of the world".¹⁰³⁾

For Hegel

"we conceive the world to ourselves as a great totality which is created by God, and so created that in it God has manifested Himself to us".¹⁰³⁾

For Hegel "God" is equivalent to "truth" and

"the truth is only realized in the form of system, --- is expressed in the idea which represents the Absolute as Spirit".¹⁰⁴⁾

102) Spinoza, Ethics, Part II, Prop. XI, Corollary (p. 91)

103) Hegel, Encyclopaedia of the Philosophical Sciences (transl. by W. Wallace). Quoted from Weiss, Hegel p. 161.

104) Hegel, Encyclopaedia. Quoted from Weiss, Hegel p. 171.

105) Hegel, Phenomenology. Quoted from Weiss, Hegel p. 13.

For Hegel God is manifest in the world. For Hägerström the notion of God is repugnant, so he speaks instead of the absolute knowledge. But what Hägerström says is essentially what Hegel also says, that the truth or the essential nature of reality is a system of concepts, which can be grasped only through the mode of thought appropriate to it, that is through conceptual, rational thought. The subject matter proper for philosophy, Hegel says, is "the actual knowledge of what truly is".¹⁰⁶⁾ Hägerström is in complete agreement, "all knowledge is a determination of what is real".¹⁰⁷⁾ Again Hegel says that

"there is a fundamental delusion in all scientific empiricism. It employs metaphysical categories of matter, force, those of one, many generality, infinity, etc. ... And all the while it is unaware that it contains metaphysics - in wielding which, it makes use of those categories and their combinations in a style utterly thoughtless and uncritical."¹⁰⁸⁾

Listen to what Hägerström says

"Metaphysics dominates not only in philosophy, but in science generally. But it is nothing but a series of combinations of words, concerning whose character the metaphysician knows nothing."¹⁰⁹⁾

Again Hegel conceives his task as that of

"conducting the individual mind from its unscientific standpoint to that of science".¹¹⁰⁾

And this is precisely also the way, in which Hägerström conceives his task.

Thus Hägerström's discovery is no discovery at all. It turns out to be the return to the idealist movement, which he claims to have abandoned. What is real is still to be explained and conceived in terms of consciousness or mind. This is idealism. To be sure, Hägerström claims that the basis of knowledge is not to be identified with self-consciousness or mind.¹¹¹⁾ This is the case for Hägerström's rejection of the idealism of Descartes, which according

106) Hegel, Phenomenology. Quoted from Weiss, Hegel p. 44.

107) Hägerström, PR p. 315.

108) Hegel, Encyclopaedia. Quoted from Weiss, Hegel p. 142.

109) Hägerström, PR p. 60.

110) Hegel, Phenomenology. Quoted from Weiss, Hegel p. 40.

111) Hägerström, PR p. 51.

to Hägerström makes consciousness the fundamental basis for knowledge. On the basis of Descartes' position one is inevitably led to maintain that we know nothing but our own mental states. Hägerström rejects subjectivism, but the position he adopts is the position of the objective idealism of Hegel or Bradley.¹¹²⁾ What Hägerström falls back on is the idealist argument that it is impossible to think of anything without thinking of it as being experienced, and therefore it cannot be without being experienced. This is an untruism.¹¹³⁾ An untruism is an ambiguous sentence, which taken in one sense states a dull truism - an analytical or a platitudinous truth - and taken in another sense makes a statement that is interesting, but either certainly or probably false or at least of uncertain truth-value.

Hägerström's argument is, in one sense, a truism, since it is true that if Hägerström is thinking of his book, then he is thinking of his book. In another sense it is a manifest untruth that if Hägerström is thinking of his book, then it follows necessarily that the book does actually exist. Writing this thesis I wish it were the case, but it is not that easy.

Hägerström's claim is that knowledge implies a knowing mind.¹¹⁴⁾ If this is so, then Hägerström's discovery amounts to the claim that the fundamental basis, on which everything turns round, is - Hägerström.

But this cannot be a Copernican Revolution, or if it is then Kant certainly has the priority. Now, it is difficult to establish whether Hägerström adheres to the Kantian position concerning space and time. In one place Hägerström writes that

"whatever falls within our experience, everything with which we can occupy ourselves in thought as that which is real, is bound by the shackles of space and time, by which God cannot be bound".¹¹⁵⁾

112) Cf. Passmore, *A Hundred Years of Philosophy*, Ch. 3, *Towards the Absolute*, especially p. 69 on Bradley's *Absolute*.

113) For this notion I am indebted to Jonathan Barnes and Richard Robinson, *Untruths, Metaphilosophy*, vol. 3, 1972, p. 189 ff.

114) Cf. Hägerström, PR p. 62.

115) Hägerström, PR p. 213.

This may be interpreted as an adherence to Kant, for he holds too that "we are doomed to perceive within a framework of space and time".¹¹⁶⁾ But this interpretation does not square with Hägerström's contention that "something of the character of space is imposed on reality itself".¹¹⁷⁾ Indeed, Hägerström's claim is that there is "a confusion in human thought", and this confusion is "the tendency of human thought to burden reality itself with the space and time, in which an individual reality exists".¹¹⁸⁾ Hägerström's contention is that "reality itself cannot have its determinateness through space and time".¹¹⁹⁾

This amounts to a denial of Kant's doctrine that space and time are subjective, a priori forms of cognition. Perhaps Hägerström's doctrine is that space and time are empirical properties of objects, on a par with any other empirical property of objects. This is no discovery either, since Berkeley and Hume hold this view as well. And the consequence is that space and time are relative to the perceiving person. This position, again, is not consistent with Hägerström's contention that in perception an already objective world is presupposed, where space and time are "the only conceivable continuum for the real".¹²⁰⁾

This amounts to the claim that space and time are autonomous and independent of human beings and physical bodies. This is Newton's doctrine, and Hägerström has made no discovery. Since Newton's doctrine accepts empty space, and time where nothing happens, this is in conflict with Hägerström's claim that the notion of empty space "is a metaphysical play with words behind which no thought stands".¹²¹⁾

It is difficult to establish whether there are any thoughts behind Hägerström's use of the words space and time. Thus it is hard to establish whether Hägerström in

116) Walsh, Kant's Criticism of Metaphysics, p. 29.

117) Hägerström, PR p. 211.

118) Hägerström, PR p. 215.

119) Hägerström, PR p. 211.

120) Hägerström, PR p. 54 and p. 288, cf. his EE where Hägerström argues that Einstein's theory is a piece of metaphysics.

121) Hägerström, PR p. 56.

fact succeeds in refuting Kant. Hägerström has forgotten his own point about not using words without having clear and distinct ideas in mind.

I do not think it is worth while trying to unravel what Hägerström's opinion of space and time amounts to, so I do not intend to discuss the question any further. Suffice it to say - with Reid -

"when we are required to put out the old light altogether, that we may follow the new, we have reason to be on our guard".¹²²⁾

I think we have reason to be on our guard, when Hägerström revolts against the foundations of knowledge, and substitutes another foundation, on which his whole philosophy rests. The foundation ought to be very solid and well-established, yet Hägerström says nothing more for his foundation than that it is evident. Indeed, his claim is that "*nur der Philosoph scheint auf diese Weise eines Wissens mächtig zu sein*".¹²³⁾ The word "scheint" (i.e. appear or seem), which Hägerström uses, suggests that he is offering a tentative empirical conjecture. If this is the case the related question is: what would count as evidence against the conjecture?

There must be some form of procedure to test the philosopher's claim to possess knowledge. And the procedure, which Hägerström offers is, as far as I can see, the appeal to his own mind, that is to his introspective reflection.¹²⁴⁾ But the vital objection to this is offered by Hägerström himself as confusing psychology with logic.¹²⁵⁾

If the phrase quoted is not to be interpreted as an empirical conjecture, then the phrase perhaps suggests that it stands to reason that the philosopher does possess genuine knowledge. Hägerström's claim amounts to philosophers being, as a matter of fact, the only persons capable of knowing the truth. This, in turn, implies the idealist thesis that there are degrees of reality and degrees of truth within a system of absolute knowledge. This is in conflict

122) Reid, *Essays on the Intellectual Powers of Man*, p. 14.

123) Hägerström, PW p. 132 (my italics).

124) Cf. Hägerström, PR p. 275.

125) Cf. Hägerström, PR p. 35.

with Hägerström's claim to have refuted idealism, but I shall return to this in Ch. IV. Again one may ask for a procedure to test Hägerström's claim, and what Hägerström has to offer is, I suppose, the fact that he is a philosopher. To offer this procedure as a test is to offer an untruism. It is true, as a matter of fact, that Hägerström is by profession a philosopher. But it does not follow that to be a philosopher is equivalent to being the one and only mouthpiece of the truth. This is to elevate the philosopher to being omniscient. This attribute is normally ascribed only to God, since it is impossible for any ordinary human being to know everything. We are - of course - reminded by his true disciples that Hägerström is an extra-ordinary human being, that is to say a god. This implies, if we follow Hägerström's own message, that we are dealing not with thought but with something spiritual. And these true disciples "fail to draw the only reasonable conclusion that can be drawn, viz. that it is therefore meaningless to ask if the outlook is true or false, since as a content of feeling or a content of will as such, nothing else can be present except a determinate form of (their) own feeling and will", to use Hägerström's own words.¹²⁶⁾

As for Hägerström himself, my conclusion is that his Copernican Revolution, aiming at solving "the problem of knowledge through a psychological investigation of the nature of human consciousness (is) based on an incredible confusion of thought", again to use Hägerström's own words.¹²⁷⁾

So much for my general contention that Hägerström's revolution, at least as it is presented in "Das Prinzip der Wissenschaft", is not a revolution at all, but a version of idealism. This is not - on my part - a revolutionary contention, since it has been put forward by other critics of Hägerström.¹²⁸⁾ But I think this is important for understanding Hägerström's reaction against idealism, explicitly

126) Hägerström, PR p. 274. The translation offered by Sandin has "own", where I have substituted "their".

127) Hägerström, PR p. 35. Hägerström writes "seemed to me", which I have rendered with "is".

128) See above Ch. II, p. 67 f.

put forward in his "Selbstdarstellung", a reaction only the stronger, because Hägerström has been a follower of idealism at least until 1910.

5. Hägerström's Revolution: Materialism

In a lecture, held in 1920, Hägerström comments on "the real religious problem of our time", that is to say "when materialism presses to the fore are not the roots of religiosity severed?".¹²⁹⁾ The "real religious problem" is, I believe, equivalent to the real epistemological problem, that is to say, when materialism presses to the fore are not the roots of idealism severed? This is confirmed by the sequel where Hägerström says:

"For it is to be noticed that if, from the point of view of the understanding, materialism is actually the only possible world-view, then no power in the world can in the long run prevent its victorious progress".¹³⁰⁾

The first question to settle is whether Hägerström, in putting forward this contention, relies on the technical Kantian distinction between reason and understanding as different faculties with different logical operations. Understanding as the faculty of dealing with categories, and reason as the faculty of regulating the operations of understanding by means of regulative ideas.¹³¹⁾ Reason, on the Kantian account, is not a source of knowledge on its own account, its function is regulative, not constitutive of what there is, and the effect of the logical operation of reason is that whatever we know be cast in a systematic form. What is peculiarly distinctive of the idea of reason is that this idea postulates, in Kant's own words, "a complete unity in the knowledge obtained by the understanding, by which this knowledge is to be not a mere contingent aggregate, but a system connected according to necessary laws".¹³²⁾

129) Hägerström, PR p. 299. According to Fries, Hägerström's manuscript is "undoubtedly written in 1920", see his introduction to Hägerström, *Religionsfilosofi*, p. 11.

130) Hägerström, PR p. 299.

131) See Walsh, *Kant's Criticism of Metaphysics*, p. 241 f. with references.

132) Kant, *Critique of Pure Reason*, p. B 673 (p. 534). - Cf. for law Hans Kelsen's idea of the Basic Norm, by which norms are not a mere contingent aggregate but a system of inter-connected norms.

As far as I can see Hägerström does not apply this distinction. For Hägerström there is no logical difference between the operation of understanding and the operation of reason. Thus, Hägerström does not separate reason from understanding.

The next question is whether materialism is as a matter of fact the only possible world-view from the point of view of reason or understanding, "which judges objectively".¹³³⁾ My contention is that Hägerström's answer is yes, when the doctrine of materialism is properly understood. Thus, Hägerström's Copernican Revolution can be seen as a version of materialism, more fully presented in his "Selbstdarstellung" from 1929.

To be true, Hägerström does not now use the phrase "Copernican Revolution", but he says that he regards "Das Prinzip der Wissenschaft" as his "most important book and until now I have found no cause to abandon the fundamental propositions which I have affirmed in it".¹³⁴⁾ Surely a Copernican Revolution must belong to the class of fundamental propositions. This, in turn, raises the question whether the revolution of "Das Prinzip der Wissenschaft" is just repeated again in Hägerström's "Selbstdarstellung". Now, I have argued that Hägerström's approach in his former book can be seen as an idealistic approach. This approach Hägerström now abandons in favour of his materialistic approach. It has been discussed whether Hägerström has or has not changed his mind. Fries argues that Hägerström's thought is constant, therefore there cannot be a change of mind. Fries may rely on Hägerström's own testimony. Recollecting his preoccupation - around 1888 - with the problem of understanding the world and grasping the relation of himself to the world, Hägerström recalls - in an interview to a journal in 1939 - that he found himself in a tortured relation both with the world and with his own nature. He also found himself in one of the incomparable valleys of Södermanland

133) Hägerström, PR p. 300.

134) Hägerström, PR p. 37.

(for an English reader the Lake District may convey the beauty of the landscape). This valley "offered an ecstatic incitement" to Hägerström. He was emotionally overwhelmed by the beauty of the scenery of the valley. It suddenly occurred to him that

"it is impossible to present the external world as a mere content of our consciousness. Everything was surely very unclear; but I had in any case a strong emotion of being a new intellectual human being. ... However that may be, I have always had the feeling that any later view adopted was just a continuous development of this seminal experience."¹³⁵⁾

If we trust Hägerström's memory, then it is not correct to say that Hägerström has changed his mind. His mind is rather to be compared to an active intellectual principle, and his knowledge rather to "growledge".¹³⁶⁾

Hägerström's starting point is his emotional experience which he gradually transforms and expresses more clearly in judgements culminating in the fundamental judgement stating the principle of reality: "reality as self-identity is the very validity of all knowledge and is in this sense the immediately given".¹³⁷⁾ What this shows, however, is that the expression and evocation of Hägerström's feeling can be interpreted as characterizing Hägerström as a truly religious person, relying on nothing but his own feelings. If this is the foundation of Hägerström's philosophy, then it is a piece of metaphysics. Hägerström emphatically denies this interpretation, writing "if reality is defined as knowledge itself, there is not the least thought of self-consciousness".¹³⁸⁾ On the contrary Hägerström's claim is that "the objectivity of knowledge must lie in the very nature of what is apprehended, in the very nature of the object".¹³⁹⁾ What Hägerström wants to say is that his enjoyment (or suffering) of such emotional experiences is one thing, but quite another thing is a claim of knowledge, expressed in a judgement.

135) Waller, p. 171 (my translation).

136) I owe this word to Basil Willey.

137) Hägerström, PR p. 51.

138) Hägerström, PR p. 51.

139) Hägerström, PR p. 36.

For Hägerström, following Kant, "feeling is not a faculty whereby we represent things, but lies outside our whole faculty of knowledge".¹⁴⁰⁾

The same applies to volition, according to Hägerström. Indeed, the basic distinction for him is between thinking or reason which objectify and represent things as they are, and feeling and volition which do not objectify anything. For Hägerström knowledge is incompatible with feeling and volition. This is what I think Hägerström wants to say. But what he actually says virtually amounts to idealism or subjectivism since "object" may denote an idea in one's mind. Hence Hägerström's contention that "reality means what is apprehended" or "the truth of the existence of the thing means nothing other than it exists as we apprehend it".¹⁴¹⁾

If so, then it is true that Hägerström has not changed his mind, but then his "new view" is still an idealist view. This is still metaphysics, according to Hägerström's own definition, and it is rather tempting to dismiss his philosophy without a hearing. I shall resist this temptation. But then it must be acknowledged that Hägerström has changed his mind around the years 1909-1910. If this is granted, then the only way of explaining his change of mind is to assert that this is only the working-out of an inward principle of development, which was there inherent from the very beginning, and dimly realized in 1888 and fully presented both in his books "Das Prinzip der Wissenschaft" and "Selbstdarstellung".

This is, I take it, Fries' line of argument in his massive book on Hägerström's philosophy. This view has been contested by Marc-Wogau, referring to the surprise among the philosophers in Uppsala, when Hägerström's "Selbstdarstellung" appeared in 1929.¹⁴²⁾

Hägerström's basic claim has been that for genuine knowledge to occur, there must be an unconditional principle.

140) Kant, Critique of Pure Reason, p. B 829 note (p. 633 note).

141) Hägerström, PR p. 50, and p. 211 respectively.

142) Marc-Wogau, Studier till Axel Hägerström's filosofi, p. 54.

This principle cannot be an object or natural thing, because each thing is what it is in consequence of some other thing. This principle cannot be mind or consciousness as such, because mind exists only in contrast to nature. The principle must then be found in a synthesis of mind and nature, and this is then the principle of reality. Hägerström's point is now that mind in the sense of thinking is always intentional. It is always consciousness of something, that is an object, and an object is a material reality. Hence the foundation of knowledge is a material reality rather than a spiritual reality. The latter is the foundation for idealism or subjectivism, the former the foundation for Hägerström's version of materialism.

By relying on the intentionality of consciousness for his rejection of idealism Hägerström cannot uphold his claim to have initiated a Copernican Revolution of worldwide significance, as Fries claims. The distinction has been used by other philosophers before Hägerström to refute idealism. I shall return to this. The claim of revolution by Hägerström and Fries only shows that their minds are deceived by the "Idols of the Den", to use Francis Bacon's classification, where "the Den" refers to Uppsala. At best Hägerström has made a revolution among philosophers in Uppsala, and even that has been disputed.

It is Hägerström's colleague, Adolf Phalén, who has the priority in Uppsala. I do not wish to enter into a reasoned discussion in this dispute between Fries and Lundstedt, defending Hägerström, and their critics, defending Phalén. This is an internal Swedish affair, but my bet is, if pressed, that it is Phalén, cf. above Ch.II p.69, below p.148.

To understand Hägerström's philosophical revolution it is, I believe, important to stress that Hägerström is convinced that there must be a proper foundation for knowledge, and this proper foundation must be "an unconditional principle, which functions as one sure anchorage, without which our organic life is but a stage of somnambulism", to borrow a phrase from Samuel Coleridge. Hägerström relies on this anchor in his revolution in order to establish

the sure and secure foundation of knowledge in a world of change and uncertainty.

Hägerström's problem is - in the twenties - the same problem as in 1888, that is to understand the world and his relationship to this world. And the world around him is in turmoil. There are the social and political changes of World War I and the Russian Revolution. There are counterparts in science with Albert Einstein's theory of relativity upsetting the Newtonian picture of the world and in philosophy the view of Ernst Mach that concepts are nothing but human constructions referring only to sensations in the course of the individual's sense-experiences, rather than referring to existing things in the world. This scientific and philosophical approach is for Hägerström tantamount to either scepticism or idealism, which in turn implies a revolt against reason and the fancies of uncontrolled emotional imaginations in the minds of ordinary people. The best safeguard against the subjectivist's folly and fantasy and the voluntarist's excess of the will to power is science based upon reason. Hägerström's aim is to build a system of knowledge on a firm foundation with no concessions made either to scepticism or idealism. And this foundation must be materialism, as Hägerström interprets materialism.

Hägerström's Copernican Revolution, in his version of materialism, is still based upon the Hegelian formula of identity between reason and reality. Thus, Hägerström's philosophy presents, I believe, an illustration of Popper's claim that the idealist claim of the identity between reason and reality "can easily be turned round so as to become a kind of materialism."¹⁴³⁾

What I wish to do in this section is to try to find out what kind of materialism Hägerström adheres to. I realize that this is a dangerous task, at least if we follow Fries, since this implies that it is - perhaps - possible to classify Hägerström's philosophy. According to Fries,

143) Popper, *Conjectures and Refutations*, p. 331, cf. above, p. 105.

Hägerström's philosophy is unique in the sense that it cannot be classified. What Fries' claim amounts to is the claim that Hägerström's philosophy is Hägerström's philosophy. This is a true and rather uninformative tautology. But what is worse for Fries is that he does not realize that for Hägerström a tautology is absolutely meaningless in the sense that it is a mere combination of words with no thoughts behind.¹⁴⁴⁾ This is a rather odd view of a tautology, but never mind that for the moment. If we follow Hägerström's thought, and why shouldn't we, since he is the master, then what Fries' claim amounts to is that Hägerström's philosophy is a tautology, in the accepted sense, as well as a mere combination of words with no thoughts behind.

This is, indeed, surprising. The philosopher Hägerström is in a position very similar to the position of the emperor in the fairy tales of Hans Christian Andersen: the emperor wears no clothes, Hägerström has no thoughts. Of course, if Hägerström's materialism is the doctrine that really there are no mental events: no thoughts, no feelings, no volitions, no states of consciousness at all, then this is a consistent view. But it is a preposterous view. Hägerström, at least, thinks that his doctrine is true, indeed it is presented as the truth. So there is at least one thought, and Hägerström has involved himself in contradiction from which he can extricate himself only by denying that he knows anything - which is an absurd alternative from Hägerström's own point of view. Hence Hägerström must either contradict himself or lapse into absurdity. In fact, his great Copernican Revolution is all façade with very little thought behind it. The genius of Hägerström is the genius of a magnificent magician. - A magnificent magician knows of course what he is practising. He bewitches and fools his audience, not himself, with his magic tricks. What intrigues me, the more I read Hägerström, is whether Hägerström as a magician actually deludes himself or whether

144) Cf. Hägerström, PR p. 62.

he rather skillfully manipulates his audience by using his magic formulas. I am not quite sure of the answer to that question. But it fascinates me, and I hope I am able to convey some of this fascination to my readers.

My own view is that Hägerström is a sincere utterer of untruisms, when he propounds his statements. He supposes himself to be making true and interesting statements. What he is in fact doing is hovering between true and trifling statements and false and informative statements. Thus, Hägerström's philosophy is founded upon an untruism. This is my thesis, which I hope I am able to substantiate in what follows.

Presenting his own philosophical views Hägerström writes that

"I (i.e. A.H.) have not been significantly influenced by contemporary philosophy, on account of what is, in my opinion, its uncritical point of departure".¹⁴⁵⁾

What this shows is Hägerström's sense of his own superiority and scorn for contemporary philosophers. It is the proud claim of the absolutist rationalist who possesses infallible knowledge on account of his own intellect, who does not tolerate opposition.¹⁴⁶⁾ It is arrogance and a sign of Hägerström's self-assertiveness in spirit and outward show. It exemplifies Bacon's dictum "there is no such flatterer as is a man's self".¹⁴⁷⁾ Bacon also suggests the remedy against such flattery, that is the liberty of a friend. If I were a friend of Hägerström, I would remind Axel of his own words in his inaugural lecture from 1911: "everything is only a moment in an endless natural context, in which nothing is in itself higher or lower".¹⁴⁸⁾ You say "everything", Axel, and surely this must also include you. You admit this in your "Selbstdarstellung" writing that the individual is "only an insignificant part of the world".¹⁴⁹⁾ Don't forget that. If you do, then you are "not at all any kind of object, which

145) Hägerström, PR p. 38.

146) Cf. above Sec. 5, p. 117.

147) Francis Bacon, Essays (Edt. M.J. Hawkins), London 1972, p. 84.

148) Hägerström, PR p. 95.

149) Hägerström, PR p. 63.

could be assigned a place in a material and temporal reality".¹⁵⁰⁾ The consequence of that, you know, is that you are something spiritual. And you maintain, Axel, that this is absurd from the logical point of view. Don't be absurd, Axel. That would be my counsel as Axel's friend to try to keep his mind in health.

Hägerström had friends, but these friends were admirers and flatterers rather than critics. Lundstedt, his closest friend, always makes a virtue of not being a philosopher, to mention one example. Fries, on the other hand, makes the claim that he is a philosopher, but then he does not criticize but succumbs to Hägerström's philosophy. Critics of Hägerström's philosophy are regarded, not as friends, but as enemies to be eradicated. To put it generally, Hägerström's true followers turn out to be henchmen, who are prepared to pay obeisance to Hägerström and his writings, although they also generally concede that his "extraordinary method of composition" and his "complicated exposition and language" make it difficult, if not impossible to understand.¹⁵¹⁾ This says something about the state of mind of his admirers, e.g. Folke Schmidt, who confesses that he does not comprehend what Hägerström says, nevertheless takes him to be a genius who has "in fact something important to say".¹⁵²⁾ This is to confuse what is unintelligible with what is profound.

To revert to Hägerström's proclamation of his independence of contemporary philosophy, a more charitable interpretation is possible, I suggest. According to this interpretation Hägerström is committed to an individualistic conception of philosophizing, believing that everyone should think creatively for himself. This is, indeed, laudable. It is a sign of the true individualist who can think for himself and make judgements on the basis of his own thinking.

150) Hägerström, PR p. 235.

151) The quoted phrases are from Olivecrona's Preface to Hägerström, INLM p. XV and p. XIV.

152) Folke Schmidt, The Uppsala School of Legal Thinking, Scandinavian Studies in Law, vol. 22, 1978, p. 151 ff. at p. 152.

But why ignore what other philosophers have thought? Even if Hägerström ends up with a principle concerning the foundation of knowledge, which happens to be in agreement with those of his contemporaries, the principle is Hägerström's as long as he can show why he thinks it is the basic principle for the foundation of knowledge. Then he is still an individualist. I do not think that this is Hägerström's attitude. His attitude is rather that one can only be an individualist if one propounds a principle, which no one before has ever thought of.

This seems to me to be wrong. But it may explain why Hägerström rejects the views of other philosophers. This brings back Hägerström's sense of self-assertiveness, his sense of having a unique mission, i.e. being the leader of a movement, the aim of which is to arrest the flux and the instability of the present time, caused by human folly and fancy. The mind of modern man is scandalized by myths and superstitions, which threaten the stability of the world. It is man's soul, not nature, which is corrupt. Man's soul must be severed from its magical and religious roots, since these roots contain within themselves self-destructive tendencies. Only by remembering his place in the world, a subject of necessary laws, in nature as well as in society, can man play his part in the natural order without disaster. Knowledge of the world and knowledge of its laws is not folly and futile, but absolutely vital for the survival of man in a time of turmoil.

To purify man's soul and his depraved judgements by the light of reason and truth, and to turn man's mind away from the path of feeling and willing upon the path of thinking and truth is what Hägerström's Copernican Revolution aims at. The fruit of this pursuit is unity and peace among human beings, since "it belongs to the notion of truth to be one".¹⁵³⁾ This is Hägerström's gospel: he embodies the truth. Soundly and plainly expounded it amounts to: he who is not with us is against us, and again, he who is not

153) Hägerström, PR p. 231.

against us is with us. That is the fundamental point of Hägerström's critical philosophy, I think (see above p.107) that in the end there are only two philosophies that count, idealism and materialism, and for Hägerström the choice is materialism, in his version of that doctrine.

Hägerström, to be sure, is a critic of the prevailing philosophical doctrines. But his criticism is not friendly, but openly hostile. It is imbued with an authoritarian spirit, since every criticism of Hägerström's system of thought is tantamount to challenging Hägerström himself as the only authoritative interpreter of his system.

In this battle against views opposing his own doctrine Hägerström's weapons are charges that these views are self-contradictory or meaningless. These charges presuppose, however, that Hägerström does know what these opposing views mean and does know the logical structure of their arguments. But does he know? Hägerström is well-known for being a voracious reader. It is noticeable that in his "Selbstdarstellung" he does not care to refer to any contemporary philosopher, except his Swedish colleagues Burman and Phalén, and yet he dismisses contemporary philosophers on account of their uncritical approach. And they are dismissed without even displaying the logical structure of their arguments. Apparently Hägerström despises other contemporary philosophers, and this may explain why they are dismissed without a fair hearing. If you do possess the truth, as Hägerström claims he does, then you need not bother about contemporary philosophers in the sense of reading them in order to learn something from their arguments. This is, to my mind, to adopt a highly uncritical approach. Or if you do bother to read them, then the purpose is only to show that they are inconsistent. But it is difficult to test whether this charge made by Hägerström is true, since, as I said, he does not care to mention his target and put his reader into the position to judge for himself if Hägerström's criticism is correct, that is whether Hägerström has grasped the meaning of the view he so violently dismisses.

A critical reader of Hägerström, then cannot be sure

whether Hägerström deals with a make-believe world of philosophers of his own invention or a real world of living philosophers. To use the notion of self-contradiction as a weapon presupposes some kind of system, as George Berkeley has pointed out.¹⁵⁴⁾ Berkeley has his system of immaterialism and Hägerström has his system of materialism. But why is Hägerström's system the only fully intelligible system comprising all reality?

If Hägerström's answer is that this is so, because it can be proved to be so, then he is inconsistent. He is inconsistent, because he admits elsewhere that he cannot prove that his own view is true.¹⁵⁵⁾

What is the decisive test between opposing views is practice "where only objective reality has meaning".¹⁵⁶⁾ This "objective reality" is equivalent to "material reality", that is to say Hägerström's "psycho-physical organism in its conscious life (which) stands in relation to the external order" of his audience and delivers his lectures.¹⁵⁷⁾ His lectures embody an imperative (an independent imperative to use Olivecrona's notion): *crede ut intelligas!* Do as Hägerström if you would know of his system. Try it out and trust Hägerström, then his system proves to be true. If the minds of people are reformed in accordance with independent imperatives, they cannot fail to follow reason and abandon confusion and dogma. Small wonder that his true henchmen were somewhat bewildered, when Hägerström died in 1939. "He left, indeed, a vacuum behind him", says Olivecrona.¹⁵⁸⁾ Not only in the physical sense, of course, but also more significantly in the spiritual sense, if I am allowed to use this provocative expression, considering the hostility of Hägerström towards the use of such an expression, because there are no thoughts behind. There is, however, "authority behind the words" used by Häger-

154) Cf. George Berkeley, *Principles* III § 79, *Selections* p. 87.

155) Cf. Hägerström, *PR* p. 58.

156) Hägerström, *PR* p. 54.

157) For the quoted phrase see Hägerström, *PR* p. 292.

158) Karl Olivecrona, *The Theories of Hägerström and Lundstedt*, *Scandinavian Studies in Law*, vol. 3, 1959, p. 127 ff., at p. 136.

ström.¹⁵⁹⁾ His henchmen are now alone and left to themselves. In order to stay alive they started "to pay attention to the communicator's utterances in order that the corresponding ideas may be evoked", as Hägerström writes in another context.¹⁶⁰⁾ That is to say they pay attention to Hägerström's utterances in his writings and "dedicate months, or years, to the study of his work, as is necessary if it is to be really penetrated and digested".¹⁶¹⁾ But what they never do is to question the reliability of Hägerström's writings. Why not, since Olivecrona admits that they present a challenge? If Hägerström's system "contains an essential element of truth" then "the consequences are very far reaching", Olivecrona writes.¹⁶²⁾ Obviously, as Olivecrona notices, this presupposes that the validity and truth of Hägerström's system has been thoroughly tested. It is remarkable that neither Lundstedt nor Olivecrona did put Hägerström's views to any serious test. They simply accepted and trusted Hägerström's insight by paying obedience to his imperative: *crede ut intelligas*. I think the reason why they do not raise any objections to Hägerström is that they have absorbed his teaching, evading "the dangerous question whether the conviction is true or not" to use an expression from Hägerström.¹⁶³⁾ Why is this so dangerous? Because it is only possible to preserve true autonomy by unquestioning obedience. I shall return to this aspect of Hägerström's way of thinking.

Obviously a firm conviction is dangerous to truth, especially if one proceeds like Hägerström, who believes that his approach is not based upon any convictions. Then the consequence may be that one is led astray and the rejoinder to Hägerström's line of reasoning is that merely thinking or merely believing in a coherent system does not alone establish that this system is the only true system of the world. It is pointless to examine the predictive

159) For the quoted phrase, see Hägerström, INLM p. 312.

160) Hägerström, INLM p. 140.

161) Olivecrona, in Hägerström INLM p. XVI, cf. above p.95 and below p.169.

162) Olivecrona, in Hägerström INLM p. XXIII.

163) Hägerström, INLM p. 167.

and explanatory force of Hägerström's system, until it has been established whether it is, in fact, a coherent and consistent system. If Hägerström's system is logically inconsistent, then it is compatible with any and all events, and then quite uninformative. What I shall do is to accept the challenge presented by Olivecrona and try to examine Hägerström's credentials for his system of thought.

If we follow Hägerström and accept his contention that he is not "significantly influenced by contemporary philosophy", then he is, I suggest, significantly influenced by the problem-situation of his day, referred to earlier in this section. That is to say the background for Hägerström's philosophy is the flux and turmoil of events taking place in philosophy, science and politics. Hägerström's philosophy so tries to solve certain problems presented in connection with this background by offering a comprehensible and rational theory about the world and man's place in this world. Hägerström is faced with a changing world, and this is a terrifying experience for him, needing a remedy. A remedy must be found to put an end to the philosophical, social and political disturbances of his day causing unrest and chaos. Thus, Hägerström revolts in order to establish a secure foundation for knowledge.

For Hägerström there cannot be any knowledge of things and events in flux. Knowledge, if it is to be genuine knowledge, must be clear, certain and not subject to change. These characteristics can only be attained if they are found in man's knowledge as well as in the objects known. Objects of knowledge must then be definite, real, and unchanging. This is very much akin to Plato's view. Hägerström, however, rejects the Platonic world of ideas independently existing apart from the sensible world. There is only one world, the sensible world. And Hägerström claims that this sensible world is not a chaos, but a cosmos with an inherent logical and material structure, where things and events come about by necessity, not by will. Necessity is orderly and bound by laws. The doctrine which Hägerström introduces is that there is a stable structure in the world, and scientific

judgements state necessary truths about the structure of the sensible world, which cannot be other than it is. It must be realized that scientific judgements state necessary truths; this is Hägerström's position, which he shares with Aristotle. If Hägerström is not "significantly influenced by contemporary philosophy", then he is significantly influenced by ancient Greek philosophy. Hägerström's position is that once it is realized that genuine knowledge is knowledge by means of causes, that causes are necessary relations between objects in space and time, that man is an object in the link of necessary causes, then it is possible to restore man to his senses. The greatness of one's being is to harmonize man with the order of things. Man must then recognize his historically created place in the natural and social order, in which he lives governed by laws, which are independent of man's feelings and volitions. If we recognize this, we achieve peace in our minds, and peace in society. Laws are fitted to man's thinking, and it is man's thinking, his "clear and distinct" judgements concerning "an already determined objective world", rather than his confused sensations, which is important.¹⁶⁴⁾

Hägerström is committed to rationalism, writing that "it is utterly impossible to understand why only perceptions should be granted access to reality".¹⁶⁵⁾ He is also committed to the view that there is no distinction between contingent laws and necessary laws. Laws of nature and laws of society arise simply and necessarily out of matter left to itself. All events, without exception, are subject to laws.

To sum up, the motto of Hägerström's philosophy may be said to be: "Everything is at rest, and nothing is in flux". In his revolt Hägerström takes side, and he sides with Parmenides rather than with Heraclitus. It is the principle of non-contradiction which is fundamental rather than

164) For the phrases quoted, see Hägerström, INLM p. 112 and PR p. 57 respectively.

165) Hägerström, PR p. 41.

the dialectical logic of Hegel and his followers. Hägerström will have nothing to do with the latter logic. Reality is without contradiction. That is to say, reality is of such a kind that the true world view is a harmonious system of mutually consistent and intrinsically non-contradictory concepts and judgements. Sense-experiences do not present us with such a world view. It belongs to philosophy to present this view by clarifying, modifying and rendering consistent the concepts derived from experience and used in scientific and everyday discourse.

As Hägerström says

"when we remove the presupposition that reality is something constant, which cannot be in more than one mode, we cut the life-nerve of thought".¹⁶⁶⁾

This assumption presents Hägerström with the task of offering an explanation which accounts for the instability of things and events in the world. Hägerström hovers between reality being as a matter of fact without contradiction and reality having to be without any contradiction. - For Hägerström the explanation consists in referring to man's feelings and volitions. I shall return to this in Section 7.

It also presents him with the task of offering the only foundation for knowledge, by which we can distinguish dialectical fancies and religious superstitions from truth. It is this aspect of Hägerström's system, which I wish to consider.

Hägerström's assumption is that if man's knowledge is vital for his survival and mastery of the world, then this knowledge must have a proper foundation. - Hence the choice of starting-point is very important. We must beware of falling into error at the very beginning of our inquiries into the nature of reality, the nature of law and the nature of morality. The starting-point, then, must be a scientific starting-point based upon thinking. If we do so, then we realize, Hägerström maintains, the union between the individual and his environment in any account of reality. It

166) Hägerström, PR p. 288.

follows from this that we also realize that there cannot be a sharp break in continuity between mind and matter. Mind has been developed out of matter, and can be explained by matter. The world is not created by man's mind, nor by God's will, but exists independently of our minds, governed by laws, which constrain us.

For Hägerström, then, the correct and critical point of departure is "the intellectual standpoint" or "the materialistic point of view". Where man as "the psycho-physical organism in its conscious life stands in relation to the external order and perceives it".¹⁶⁷⁾ The uncritical and incorrect points of departure by contrast are subjectivism or "epistemological idealism" and "epistemological realism" or the ordinary consciousness.¹⁶⁸⁾ They are both concerned with the genuine problem of providing a proper foundation of knowledge, but they both fail to provide an adequate solution. Their solutions are inadequate, because the conceptual schemes they present are inadequate. The scheme offered by epistemological idealism is based upon the principle of self-consciousness. Its starting-point is mind, its doctrine says that judgements are fundamental for the expression of claims of knowledge. Then judgements are, however, about the workings of the human mind. This leads to the view that reality is mind or spirit.

The scheme offered by epistemological realism is based upon the principle of an unknown reality. Its starting-point is the individual's sense-experiences of an external world, its doctrine says that our sense-experiences are fundamental for knowledge of objects in the world. What we immediately perceive is not the objects in the world, but only ideas of them in our minds. This leads to the view that reality as it is remains unknown and unintelligible.¹⁶⁹⁾

For Hägerström, the solution to the problem of the foundation of knowledge can only be found by transcending epistemological idealism and epistemological realism and

167) Hägerström, PR p. 292.

168) Cf. Hägerström, PR p. 38.

169) Cf. Hägerström, PR p. 38 f.

their inadequate conceptual schemes which must be replaced by a higher principle as the ground for an adequate conceptual scheme. The higher principle, and this is equivalent to the only foundation of knowledge, is the realization that the objectivity of knowledge "must lie in the very nature of what is apprehended, in the very nature of the object".¹⁷⁰⁾ The very nature of the object, in turn, is "a determinate object of thought", that "is something constant, which cannot be in more than one mode".¹⁷¹⁾ This object is "immediately given" or "intuitively given" in a judgement expressing knowledge.¹⁷²⁾

Hägerström's principle is that "reality as self-identity is the very validity of all knowledge and in this sense the immediately given".¹⁷³⁾ This is Hägerström's key to the solution of "the riddle of the Universe".¹⁷⁴⁾ There is no riddle of the universe, since everything in the world obeys necessary causal laws. The problem is only to discover them, once the true foundation of knowledge has been firmly established. To provide this foundation is precisely what Hägerström has done by overcoming epistemological idealism and epistemological realism, cf. above p. 104.

Thus, Hägerström endorses, as far as I can see, Hegel's claim that only the philosopher is capable of understanding reality as it is. Since Hägerström is the latest philosopher to arrive in the world his understanding is superior to and profounder than any of his predecessors. He alone is able to see what is true and what is false in the prevailing views. Hägerström offers his philosophical treatment in a Hegelian fashion as "the highest peak" of world wisdom, where philosophy is not only truth in and for itself, but also truth as exhibited in worldly matters, where everything is rationally comprehended. Hägerström's theory

170) Hägerström, PR p. 36.

171) Hägerström, PR p. 43 and p. 288.

172) Hägerström, PR p. 50, p. 51.

173) Hägerström, PR p. 51.

174) The allusion is to Ernst Haeckel's book of the same title, see Passmore, *A Hundred Years of Philosophy*, p. 42.

of truth comes to light as a very convenient theory. Truth is the same as reason, and everything that appeals to reason in its final and latest stage must be true for that stage. In other words, everything that seems self-evident to those whose reason is up to date, must be true. What is self-evident to Hägerström is the same as truth. Provided you are up to date, all you need is to believe in Hägerström's theory. History is the judge, and the adherence to his theory provides its truth. Hence the claim of Hägerström's greatness and uniqueness as the creator of a completely new way of thinking. I wish to evaluate Hägerström's greatness as a philosopher. I do not think that it matters whether Lundstedt, Olivecrona or Fries find his theory of philosophy or theory of law inspiring for their studies. What matters is rather whether there is some truth in Hägerström's claim to have provided the only proper epistemological foundation by overcoming epistemological idealism and epistemological realism. My contention is that this is not the case, and I now proceed to substantiate this by examining his refutations of these theories.

What Hägerström maintains, if I understand him correctly, is that epistemological idealism is true in so far as it stressed that knowledge is expressed in judgements. It goes wrong, however, giving rise to falsity, by claiming that these judgements are only concerned with the contents of our consciousness. This is the basis for Hägerström's contention:

"the proposition which is regarded as self-evident in the history of philosophy *as well as in general*, viz. that consciousness itself is the only immediately given, is false".¹⁷⁵⁾

This is a basic point for Hägerström's claim to have initiated a Copernican Revolution. Of course this contention is true, since this proposition is not regarded as self-evident "in general", if by this is meant the view of the common man in the street. But then Hägerström has a peculiar conception of his consciousness, to which I shall re-

175) Hägerström, PR p. 36 (my italics).

turn below. Next, if the meaning of Hägerström's contention is that this proposition has been regarded self-evident by all previous philosophers, then it is false. To mention but one example, Thomas Reid writes that

"all the arguments urged by Berkeley and Hume against the existence of a material world are grounded upon this principle, that we do not perceive external objects themselves, but certain images or ideas in our own minds. But this is no dictate of common sense, but directly contrary to the sense of all who have not been taught it by philosophy."¹⁷⁶⁾

It is a first principle of contingent truths, says Reid, that those things do really exist, which we distinctly perceive by our senses and are what we perceive them to be. So Hägerström's refutation of epistemological idealism cannot be considered to be a Copernican Revolution as establishing a new way of thinking, except perhaps among philosophers in Uppsala. But Hägerström evidently thinks so, writing

"subjectivism *I refuted* by showing that in no consciousness can the consciousness itself be given. That which is apprehended is always something other than the apprehension."¹⁷⁷⁾

But Hägerström is not entitled to claim that he is the first modern philosopher who refutes idealism by relying on the distinction between an act of consciousness and the object of that act.

The thesis of the intentionality of consciousness has been formulated by A. Meinong and F. Brentano, and Hägerström is familiar with their writings. So what it shows is Hägerström's self-sufficiency and lack of appreciation of the efforts of other philosophers. It also shows the perils of ignoring contemporary philosophy, since the distinction between consciousness and object is the foundation for G.E. Moore's paper "The Refutation of Idealism" in the journal "Mind" in 1903.

Marc-Wogau has investigated whether Hägerström was familiar with this article, and his conclusion is that this is not likely, since the copy of *Mind* containing the ar-

176) Reid, *Essays on the Intellectual Powers of Man*, p. 627.

177) Hägerström, PR p. 38 (my italics).

ticle was borrowed by one of Hägerström's colleagues, Professor B. Hammar, from 1904-1906.¹⁷⁸⁾ Whether Hägerström has discussed philosophical questions with Hammar does not emerge from what Marc-Wogau writes. Anyway, this is a minor point.

Hägerström cannot claim to be the first in the world to have refuted idealism, and even in Sweden it is a moot question whether Phalén is not to be credited rather than Hägerström, but I shall not try to settle this historical question, cf. above p. 132.

What is more important is that Hägerström's criticism of subjectivism or idealism has a broader aspect than the criticism made by Moore. - Moore's criticism is directed at the idealist thesis: "to be is to be perceived", leaving the other idealist thesis "to be real is to be spiritual" or "reality is spiritual" out of account. Hägerström's criticism is concerned with both the former and the latter thesis. What he thinks he has accomplished is that if the thesis "to be is to be perceived" can be shown to be false, then it follows that the other thesis "to be real is to be spiritual" or "reality is spiritual" is also false. Hägerström's claim is that "a spiritual reality is a contradictio in adjecto".¹⁷⁹⁾

It follows that the true view is that "to be real is to be material" or "reality is material". This is Hägerström's materialism as an ontological theory, which involves him in extraordinary difficulties both for himself and for his readers. I shall try to present his difficulties.

Hägerström accepts the Hegelian formula of identity between reason and reality and gives it a materialistic twist, implying that consciousness is also a material or physical phenomenon. How does this square with Hägerström's conception of the concept of man as the concept of "a psycho-physical reality".¹⁸⁰⁾

178) Marc-Wogau, *Studier till Axel Hägerströms filosofi*, p. 19 f.

179) Hägerström, PR p. 55.

180) Hägerström, PR p. 35.

The nature of this psycho-physical organism is "a continuous series of ideas, feelings and acts of choice ... intimately connected with bodily existence".¹⁸¹⁾ In this sense consciousness is an objective reality, a quality of body or "a material reality". It follows that man's thinking, feeling and willing by nature is a material reality in contrast to consciousness as something spiritual, e.g. the consciousness of activity, which is "absurd from the logical point of view",¹⁸²⁾ or as Hägerström says, consciousness of "feeling and impulse which by their very nature are essentially passive".¹⁸³⁾

If this is so, then Hägerström is faced with the problem of explaining why feeling, which by its very nature is passive, can influence man's thinking. Hägerström is convinced that man's failure to understand reality is due to emotional thinking, that is that feelings infect or contaminate genuine thinking. The human mind is confused, because feelings and volitions interfere with thinking. If the latter are by nature passive this must be absurd from the logical point of view, since it presents Hägerström with the difficulty of explaining why something passive can be considered to be a cause. How can feelings and volitions produce confusion in man's thinking, if they are, as Hägerström claims, by nature passive? They cannot is the answer. And the result is that Hägerström's system tumbles into ruins. Then it is thinking, which is to blame, because thinking is active. But if thinking is active, then it becomes something spiritual, and this does not exist, if we follow Hägerström. So thinking does not exist either, which is absurd from Hägerström's own point of view.

Hägerström tries to get out of his difficulties writing that consciousness "is itself a specific quality of organic matter, which itself does not have the character of matter, although it exists in matter."¹⁸⁴⁾

181) Hägerström, PR p. 235.

182) Hägerström, PR p. 235.

183) Hägerström, PR p. 35.

184) Hägerström, PR p. 235.

But this is tantamount to admitting that there is after all something spiritual or immaterial, since our mental states of thinking, feeling and willing do not have any material character. Then it is possible to explain why feelings and volitions may interfere with thinking, since feelings and volitions then become active, while thinking on the other hand becomes something passive and constant. If this is so then Hägerström involves himself in a self-contradiction. This is, if we follow Hägerström, to indulge in metaphysics, that is to say a combination of words without meaning, cf. above p. 118.

I conclude that Hägerström has not succeeded in refuting the idealist thesis that reality is spiritual.

Hägerström swallows the contradiction and proceeds to consider epistemological realism which he claims belongs to the ordinary consciousness. It is worth noticing that Hägerström's attack on epistemological - and ontological - idealism is not based upon considerations of ordinary uses of language. This is the foundation of Reid's criticism and of Moore's criticism. It cannot be the foundation for Hägerström's criticism, since he claims that the ordinary consciousness - and by implication the ordinary uses of language - is radically confused.

For Hägerström the ordinary consciousness, i.e. epistemological realism, is right in so far as it stresses that there is an external world distinct from and confronting human consciousness. It travels on the wrong way by claiming that consciousness in this confrontation is only aware of sensations in the form of ideas in consciousness, rather than the external objects themselves. It is quite clear that Hägerström is concerned with a theory concerning perceptions of objects. It is not so clear who, according to Hägerström, actually holds such a theory. I side with Reid, when he writes that

"it is evidently a philosophical opinion; for the vulgar undoubtedly believe that it is the external object which we immediately perceive, and not a representative image of it only. It is for this reason that they look upon it as a perfect lunacy to call in question the existence of ex-

ternal objects."¹⁸⁵⁾

Hägerström, however, claims that the vulgar, to use Reid's phrase, suffer from this lunacy. Why? The answer is, I think, that this is the only way, in which Hägerström can elevate himself as the philosopher above ordinary men. Hägerström thus endorses Hegel's opinion that the ordinary consciousness of men or "public opinion as it exists is ... a standing self-contradiction, knowledge as appearance, the essential just as directly present as the inessential".¹⁸⁶⁾ Public opinion is unorganized and must be organized by a philosopher: his business as a philosopher is to present the truth, and to be a great man expressing the essence of his time. This is only another way of endorsing Hegel's claim that only philosophers are capable of understanding reality as it is.

The vital difference between Hegel and Hägerström is that for Hegel contradictions are important as the means, by which society and nature progress, whereas for Hägerström contradictions are important in the sense that they are not permissible and must be eliminated, since once admitted society and nature collapse.

When Hägerström discusses epistemological realism, he has the theory of representative realism in mind. This theory holds that in the knowing process our ideas are representations of the real and external objects. This is quite clear from Hägerström's example:

"If I apprehend this table as real, it appears to me if I had gone out beyond the table which I apprehended and which was thus an image in me, and as if I have arrived at something else - at the real table. The real table, indeed, has the same properties as the table which I apprehend, while yet not being identical with it. The table in my apprehension - the table-image - is not identical with the real table."¹⁸⁷⁾

Hägerström is concerned with the perception of objects. What he says in his example is that the epistemological realist, perhaps he has Locke in mind, holds that it is only

185) Reid, *Essays on the Intellectual Powers of Man*, p. 151.

186) Hegel, *Philosophy of Right*, § 316, p. 204.

187) Hägerström, *PR* p. 39.

an idea, i.e. a representative image in the mind, of the external object that we perceive, and not the object itself. The object itself, say the table, exists, however, for Locke independently of my perception of it. It is the external object which produces in my mind an idea of the object. Hägerström continues to write that the object itself is "the completely unintelligible, the "thing in itself", which nevertheless is regarded, inconsistently, as accessible to the apprehension".¹⁸⁸⁾ This is not correct, if Hägerström has Locke in mind. Locke does not hold that the table itself is accessible to the mind. For Locke

"'tis evident, the mind knows not things immediately, but only by the intervention of the ideas it has of them. Our knowledge therefore is real, only so far as there is a conformity between our ideas and the reality of things."¹⁸⁹⁾

And knowledge for Locke is

"nothing but the perception of the connexion and agreement, or disagreement and repugnancy of any of our ideas. In this alone it consists".¹⁹⁰⁾

The objection to Locke is, of course, how to compare an idea of an object with the object itself? For Hägerström "the image resembles the thing in itself, the completely unintelligible".¹⁹¹⁾ This is also Berkeley's rejoinder, "an idea can be like nothing but an idea".¹⁹²⁾

Now Berkeley claims that his principles are faithful to common-sense. This, perhaps, is another reason why Hägerström believes that the basis for epistemological realism "is obviously to be sought, above all, in the subjectivism of ordinary consciousness".¹⁹³⁾

Thus, Hägerström invites us to believe that according to the ordinary consciousness, we do not see a table directly, but are only immediately aware of an image of a table, "an image, that is the apprehension, in which it is given

188) Hägerström, PR p. 39.

189) John Locke, Essay Concerning Human Understanding, Book IV, Ch. IV § 3, p. 563.

190) Locke, Essay Concerning Human Understanding, Book IV, Ch. I § 1, p. 525.

191) Hägerström, PR p. 39.

192) Berkeley, Rationale of the Principles II, § 8, Selections p. 38.

193) Hägerström, PR p. 39.

to me, belongs to it as a property".¹⁹⁴⁾ - What Hägerström means is, I think, that the table, besides other properties like size, shape, weight and colour, also has the property of being a possible sense-experience.

Hägerström's criticism is then aimed at phenomenalism, which claims that to be is to be perceivable.¹⁹⁵⁾ This is the doctrine of John Stuart Mill, who puts it that "matter is the permanent possibility of sensation". According to phenomenalism, a physical object, say a table, is nothing but a group of sense-experiences (or sense-data) which are obtained by or can be obtained by perceiving the table. But surely, Hägerström objects, we know that objects exist and continue to exist whether they are perceivable or not. The phenomenalist and his talk about the translation of statements about physical objects into statements about phenomena, i.e. what is immediately present to consciousness, is in principle meaningless.¹⁹⁶⁾

If I understand Hägerström, the same criticism applies to the followers of Ernst Mach's theory of sensationalism, and to the adherents of the Vienna School theory of logical positivism.¹⁹⁷⁾ According to these theories the world consists only of our sensations, and these sensations are the only sound basis for communication about the external world. The external world we encounter in observation is a complex and unorganized flux, and its elements are known to us only through sense-experience. The world, in short, depends entirely upon our senses.

This theory is radically defective according to Hägerström. His objection is that sense-experiences of sight and touch as the only foundation for knowledge-claims presuppose real existing external objects. These real existing objects cannot be identified with sense-experiences. To do so is to confuse the distinction between acts of consciousness, e.g. touch and sight, with objects touched or seen.

194) Hägerström, PR p. 39.

195) Cf. Hägerström, EE p. 1 ff.

196) Cf. Hägerström, EE p. 8.

197) Cf. Hägerström, EE p. 33.

The world does not depend for its existence on our senses, it is rather the other way round, the world presents itself to our senses of touch and sight. This is the core of Hägerström's objection - in his own words -

"Hume, Kant, John Stuart Mill, Oseen und die Vertreter der Wiener Schule haben offenbar solche Empfindungen gehabt, da sie ja so felsenfest von ihrer Existenz überzeugt sind. Aber ich habe niemals derartige Empfindungen gehabt, und ich fordere alle auf, deren Vorstellungsweise nicht durch sensualistische Gedankengänge beeinflusst worden ist, die Frage zu beantworten, ob sie jemals derartige Empfindungen gehabt haben."198)

For Hägerström to base the world upon these sense-experiences (Empfindungen) is a psychological impossibility, and, he thinks, for everyone else too. It is in vain to dispute with the sensationalists, like Hume, or John Stuart Mill, and therefore Hägerström is confident that they can easily be disposed of by pointing out that they are inconsistent.

Hägerström's objection is grounded in his own psychological introspection that he has had no such sense-experiences. This is odd, indeed, for Hägerström must know what it is like to have a sense-experience, in order to look for, and fail to find, a sense-experience, if he reports, as he does, that he has looked and failed to find it. He must know the meaning of the doctrines he objects to, otherwise he cannot rationally consider whether or not to believe them. Although Hägerström expects no challenge, this is forthcoming all the same. Since Hägerström's criticism is directed at theories of perception, then naturally the question is whether Hägerström offers a better theory to account for the perception of objects. Hägerström never, to my knowledge, presents an argued theory. The starting-point of his theory begins with reflection upon his own experiences as an awareness of the external world, of a material reality consisting of physical objects in general, animals, plants, and human beings, in so far as they are perceptible, that is to say their bodies.

198) Hägerström, EE p. 33.

The main characteristic of perception or mental apprehension is that it is a passive direct confrontation with the object in touch or by sight. Like Berkeley, Hägerström stresses that touch is more important than sight. Touch gives an immediate and obvious test of the existence of objects, leaving no room for processes of doubt or reasoning about the character of the object. We only have to think of Hägerström's own experience, referred to above in Chapter I, p.4 f., of putting his hand into the fire, to realize the foundation for Hägerström's view. Touch undoubtedly gives us knowledge directly and with certainty. This is also Locke's and Berkeley's view, using, incidentally, fire as an example.¹⁹⁹⁾

It is for Hägerström impossible to misidentify what we touch. From this analysis Hägerström proceeds to offer his own view of perception or mental apprehension as "an apprehension which is associated with a unique (indescribable) feeling of constraint".²⁰⁰⁾ Thus, Hägerström's approach to his theory of perceiving is not characterized by any conceptual analysis of the ordinary meaning or use of expressions concerning perception. His approach is based upon his own awareness of objects. It is inconsistent to criticize other writers for basing their theories on the same footing. Hägerström's objection to other theories of perception is that they are grounded in feelings, which Hägerström does not experience. His own theory is grounded in his own feelings of inner constraint. The critic's reply to Hägerström's theory is, of course, that he does not have this experience of constraint. The discussion then easily degenerates into mere assertion and counter-assertion. There is, at this level, no way of settling the dispute except Hägerström's trick, persuasion rather than argument, that is: constrain the unbeliever by using words as if there are thoughts behind the use.

For Hägerström perceiving is a passive state of affairs

199) Locke, *Essay Concerning Human Understanding*, Book IV, Ch. XI § 7, p. 633. - Berkeley, *Objections to the Principles*, § 41, Selections p. 61.

200) Hägerström, PR p. 57.

where the perceiving person is coerced by external objects. These external objects exist independently of us, and have an objective character and structure, which impress itself upon our consciousness whether we like it or not. Hägerström actually defines object or matter as that which, acting upon our sense-organs, necessarily produces sensations. This applies to Berkeley's view as well, substituting object or matter with God.²⁰¹⁾ For Berkeley, his ideas of sense are caused by an act of will of some being other than himself. For Hägerström, his sensations are caused by objects which exist independently of him, resulting in a feeling of constraint, which is, Hägerström says, indescribable.

Just as Berkeley holds that the author of nature constrains us by producing ideas, which have "steadiness, order, and coherence", Hägerström holds that the external objects constrain us by causing strong, orderly and coherent feelings.²⁰²⁾ For Berkeley as well as for Hägerström human beings are passive receptors. The senses, when passive, do not err in the information they give us of the objects without the mind. When Hägerström opens his eyes in broad daylight it is not in his power to determine what particular objects shall present themselves to his view, e.g. with beauty if he opens his eyes in daylight in the landscape of Södermanland, or with repugnance if he opens his eyes and witnesses the confusions of the ordinary consciousness leading to tumults and upheavals. Or if Hägerström puts his hand in a fire it is not in his power to choose whether his hand is burnt or not. But surely Hägerström is not forced to put his hand in a fire, one may object. He is not coerced into having this experience. It is something which Hägerström has chosen himself. But this objection does not impress Hägerström, since he denies the activity of the will.

Hägerström's theory is that the ordinary consciousness is coerced by objects into having sense-experiences. To be

201) See Berkeley, *Rationale of the Principles*, §§ 29, 30, Selections p. 54.

202) Berkeley, *Rationale of the Principles*, § 30, Selections p. 54.

coerced by external objects is for Hägerström equivalent to being constrained, compelled or forced by objects, and in this sense people do not behave freely. They behave freely if they realize the constraint of objects, since then they no longer act from an inner compulsion. Freedom is in other words consciousness of necessity.

Hägerström offers a causal analysis of perception, where perception is a passivity of a mind, not, as for example Marxists hold, the activity of the perceiving person in the world. Apparently Hägerström is able to avoid being coerced, since he claims

"that the object is by no means something which limits the independence of consciousness, and as a consequence something external to consciousness, which, as such, cannot *be immediately apprehended in its reality* as idealists and realists alike have taken it."²⁰³)

Again Hägerström has involved himself in a self-contradiction, since he now seems to hold that the perceiving person is active, rather than passive. If it is the case that the object is immediately apprehended in its reality, then what is apprehended in this way is something internal, not the external objects. This is precisely what idealists and realists also claim, and Hägerström's criticism is unfounded. If it is the case that the object exists externally, then it limits the independence of consciousness. This is Hägerström's theory, but then he is faced with offering an explanation why he alone is exempt from this limitation. Surely he must take account of the actual features of his own physical environment, or else be eliminated from it or try to transcend it. If he does the latter then he enters into another spiritual world of fantasies and dreams. If he does the former, then he just vanishes. Both options cannot be consistent with Hägerström's conviction of his mission as a philosopher, whose business is to inform the ordinary consciousness of human individuals of the correct view concerning their place in nature and society as links in a causal chain. Hägerström's own view is,

203) Hägerström, PR p. 37 (my italics).

however, badly confused. What would it be like for the physical environment not to force itself upon a human individual? This is the question to put to Hägerström. Hägerström's reply is to build an indescribable feeling of constraint into the very concept of perception. He may do so, of course, but it is an extremely odd concept of perception, perhaps governed in the end by some theological demands. Hägerström is perhaps aware of this and reacts by offering another view of the concept of perception as not involving any constraint, which then is left without any analysis at all. My conclusion is that Hägerström has not succeeded in refuting epistemological realism either. Evidently Hägerström thinks he has. As usually he swallows the contradictions involved and presents his own theory as far superior to any other philosophical theory. His own philosophical theory - in a Hegelian way of synthesis - combines the truths of idealism and realism and avoids their errors. The result is that

"thought itself presupposes for its own possibility an already given world of experience in space and time as the continuum, besides which none other appears as conceivable".²⁰⁴⁾

The result of Hägerström's inquiries into the proper foundation of knowledge is the theory known as "naive realism" or "direct realism". To be sure Hägerström does not use this label for his own doctrine. The reason why is that Hägerström generally holds realism to be an untenable doctrine. Nevertheless, perceiving is equivalent to judging. Judging is the same thing as thinking of a determinate object, thinking of a determinate object is equivalent to thinking of a real material reality, and to think of a real material reality is reasonable or rational. Reality is by nature determinate, i.e. constant, and what is constant is rational. Hägerström proceeds on the basis that contradictions are to be avoided. As I have tried to show, Hägerström does contradict himself, and this implies that his own theory collapses. If Hägerström tries to eliminate

204) Hägerström, PR p. 58.

these contradictions the result is either a tautology such as "if Hägerström perceives or judges then he perceives or judges", or a false judgement such as "if Hägerström judges then there is a real material reality".

Whatever Fries thinks of the impossibility of classifying Hägerström's theory, it may be classified as a version of "naive realism", holding that objects exist as material objects independently of our cognition, and that cognition is a straightforward confrontation or contact with external objects. Hägerström claims that this theory is a Copernican Revolution and constitutes the only critical point of departure. Thus, Hägerström is regarded as "the founder of modern philosophy".²⁰⁵⁾ But this is not the case. Other contemporary philosophers make the very same point of departure.

Already in 1896 Charles Sanders Pierce writes that "we have direct experience of things in themselves. Nothing can be more completely false than that we can experience only our own ideas. That is indeed without exaggeration the very epitome of all falsity."²⁰⁶⁾

Or to mention another example, G.F. Stout in Cambridge writes, in 1905, that

"there are features of our immediate experience, which perpetually point beyond themselves to actual existence, other than our own or any immediate experiences of ours".

And in Oxford, John Cook Wilson, at the same time, claims that

"even for the extremist idealistic view, there is an object to be distinguished always from our apprehension of it".

Or take Lenin who claims that naive realism is in perfect accordance with materialism. He writes

"Naive realism" is the instinctive, unconscious materialistic standpoint adopted by humanity, which regards the external world as existing independently of our minds".

Lenin also says,

"The "naive realism" of any healthy person who has not been an inmate of a lunatic asylum, or a pupil of the

205) See N.E. Simmonds, The Legal Philosophy of Axel Hägerström, The Juridical Review, 1976, p. 210 ff., at p. 210.

206) Quoted from John Passmore, A Hundred Years of Philosophy, p. 260, where the next quotations are found on p. 196 and p. 245.

idealist philosophers, consists in the view that things, the environment, the world exist independently of our sensation, of our consciousness, of our self, and of man in general. ... Materialism deliberately makes the "naive" belief of mankind the foundation of its theory of knowledge."²⁰⁷⁾

This is a very apt rendering of Hägerström's Copernican Revolution in its materialistic version. And as is the case with the former idealistic version, the latter materialist version is no discovery on Hägerström's part either. If he is not familiar with this tendency, then this only shows the danger of ignoring what is going on in the real world outside Hägerström's study in Uppsala.

Why does Hägerström think that all other philosophical approaches are wrong? The answer to this question is, I believe, that Hägerström is intent on establishing a clear cut issue between his own doctrine, which is a mixture of direct realism and materialism on the one hand, and idealism and realism on the other hand.

According to Hägerström's doctrine reality is material, whereas idealism and (representative) realism make reality spiritual. At bottom idealism and (representative) realism attempt to "base a knowledge of reality on the foundation of spiritual experience - ultimately one's own self-consciousness".²⁰⁸⁾

This is a confusion of thought, and "absurd from the logical point of view".²⁰⁹⁾ The doctrine is absurd because it makes consciousness into a substantive entity, whereas consciousness is in fact only an attribute of man, not a separate form of being. In the end self-consciousness is nothing but feelings, but it is "impossible to think by means of feelings, because the feeling has precisely the singular characteristic that in itself it is not a consciousness of something objective".²¹⁰⁾

If one adopts either idealism or representative rea-

207) Lenin, *Materialism and Empiro-Criticism*, p. 61 and p. 69. This book was published - in Russian - in 1909.

208) Hägerström, PR p. 296.

209) Hägerström, PR p. 234.

210) Hägerström, PR p. 234.

lism this is bound to open the door to arbitrary and wild conceptions about man and the world, which, in turn, will obstruct and delay social progress toward "the happiness and culture of the race".²¹¹⁾

To adopt Hägerström's view on the other hand is not absurd, or so Hägerström implies. On the contrary it is the only sound and sane view in a world of confusion. This is seen by the various phrases used by Hägerström to designate his view, where he invites us to adopt "a logical point of view", an objective point of view, "the materialistic point of view", "a scientific view of reality", "the theoretical consciousness", "the consciousness of judgement experience", "a unitary state of consciousness", or the view of "a single consciousness" expressing itself in thinking resulting in true judgements, "in which something is characterized as being such and such".²¹²⁾

If one adopts Hägerström's point of view, what one apprehends is "the objective, the non-spiritual ... reality which by its very nature is constant".²¹³⁾ If one does not adopt Hägerström's point of view, and this is the case with the ordinary consciousness and with the scientific consciousness of Mach and Einstein and the philosophical consciousness of realists, idealists, and dialectical materialists, then what these individuals apprehend is "the external object which presents itself at the same time in feeling and conception".²¹⁴⁾

Now, the key-point for Hägerström is to keep conception or thinking apart from feeling and volition. Conception is "clear and distinct" and not subject to change and its objects also are clear and distinct or determinate real and unchanging.²¹⁵⁾ By contrast feelings and volitions are confused and changing and their objects do not exist apart from

211) Hägerström, PR p. 304.

212) See Hägerström, PR p. 234, 270, 302, 282, and INLM p. 17, 116, 141, 142, 107, 109 respectively for the phrases.

213) Hägerström, PR p. 296.

214) Hägerström, PR p. 264.

215) For the phrase "clear and distinct" see Hägerström, INLM p. 112.

the individual having these experiences, and properly speaking feelings and volitions do not exist.²¹⁶⁾

The important thing is conceptions based upon "thought in the proper sense".²¹⁷⁾ This implies that "one and only one continuum is presupposed ... (and) is the real".²¹⁸⁾ This continuum is the material reality in space and time, which "is something constant, which cannot be in more than one mode".²¹⁹⁾ It follows that "a conception of ... reality is unchangeable".²²⁰⁾ By contrast, feelings, including sense-experiences, and volitions are changing. The question about reality "necessarily demands an answer which will hold for all time".²²¹⁾

Hence, if we adopt Hägerström's point of view, it is "clear that the truth of the judgement must be verified logically, and that it will not do (as regards the truth of the judgement) to take refuge in the supposed experience as the ground of knowledge when it turns out that the judgements are logically absurd".²²²⁾

What is decisive is rather "a reflective apprehension of reality", which "judges objectively", that is to say, where the "objective truth" is equivalent to the fact that "something is in reality or in itself such as one apprehends it to be".²²³⁾ Again we have an echo of Hegel's philosophy of identity, which Hägerström uses to combat the dialectical method of Hegel's idealism and of Marx' materialism by his unique philosophical thought. It is when thinking in the proper sense is so infected or contaminated with feelings and volitions that the world runs mad. Therefore thinking must be kept distinct and purified from its foreign elements. What the human mind needs is a philosopher to cure and purify it from foreign elements. Philosophy is to be identified with mental hygiene, ethics and law with social

216) Cf. Hägerström, PR p. 188.

217) Hägerström, PR p. 54.

218) Hägerström, PR p. 54.

219) Hägerström, PR p. 288.

220) Hägerström, PR p. 290.

221) Hägerström, PR p. 290.

222) Hägerström, PR p. 262.

223) Hägerstrom, PR p. 300, cf. p. 274.

hygiene.²²⁴⁾ What are the pure and foreign elements in the human soul? The pure element is the faculty of thinking, this is the essence of the soul. Thinking or reason is something universal and constant elevated above all imperfection, because it is not derived but original, not partial but complete, not subject to qualification, because unlimited, and not dependent on anything else, because it is self-sufficient. In short, the pure element is Hägerström's principle of knowledge and reality. By contrast the foreign elements in the human soul are the faculties of feeling and volition.

Hägerström has healed himself of the pernicious disease of feeling and volition, which infects thinking and has restored his soundness by arriving at his new philosophy, or so he claims. - My comment is that Hägerström has not, however, extricated himself from the spirit of Hegel. Hägerström accepts the Hegelian formula of the identity between reason and reality, giving it a materialistic twist.

Hägerström accepts the Hegelian formula of freedom as the knowledge of necessity, which for Hägerström implies that his mission in life is to cure the human soul from its religious and magical imaginations and restore the ordinary consciousness to its original basis of soundness. From the world of romantic escapism and fancy to the world of thinking of objects, where human beings must accept conditions as they are, constrained in nature by laws, and constrained in society by laws, where men are "interested only in fulfilling their duty, just because it is their duty".²²⁵⁾

On this basis there is nothing revolutionary about Hägerström's philosophy in the sense of overthrowing the existing social conditions. Social and political instability interfere with the independence and detachment which Hägerström requires for his pursuit of knowledge. For Hägerström, as I see it, his basic assumption is that the best

224) Cf. Hägerström, INLM p. 186 f. and PR p. 280.

225) Hägerström, PR p. 276. This is akin to F.H. Bradley's "My Station and its Duties", see his Ethical Studies, Essay V.

people are the spectators of life in nature and society. The life of a philosopher is the activity, not so much in the practical sphere of daily affairs, as in the contemplative sphere of the study, seeking purification and perfection by means of knowledge, where thinking identifies itself with the inherent order in nature. What matters to Hägerström is the idea of order and harmony.

Hägerström, by nature also a timorous person, has every interest in upholding the necessary conventions of a rather peaceful society like Sweden.²²⁶⁾ This is also what the rational person does, since he sees things as they are in contrast to the irrational person who breaks the laws. Legal activities are indispensable for the existence of society. Or as Hägerström says, "the law is undeniably a condition of culture itself. Without it, as the Sophist Protagoras already claimed, we should never have been able to win the lordship over other species."²²⁷⁾ Where the Marxists attempt to destroy the law, precisely because the law is the lordship of the Capitalist class over the working class, Hägerström arrives at the opposite conclusion: Law must be upheld but purified from foreign elements of a will behind the law. Thus, Hägerström's Copernican Revolution is by no means a social revolution in the Marxists' sense. In this respect there is an important difference between Hägerström's version of materialism and what is known as dialectical materialism. In fact Hägerström dismisses Marx as an Utopian thinker, who reads his own wishes into the necessary causal structure of the world. To understand the nature of anything is for Hägerström, as for Spinoza, to fit it into the system of necessary causes and effects, of which it is a part. Hägerström's objection to Marx is that Marx allows his own feelings to interfere with his thinking. His philosophy is no more than an arbitrary pro-

226) It is interesting to compare Hägerström with Hobbes in this respect. Both men are timid souls, both end up with absolutism as the only possible logical outcome of consistent concern for individual interests.

227) Hägerström, INLM p. 262.

jection of his own feelings and volitions into the necessary scheme of things. Thus, Hägerström dismisses Marx's materialism as "metaphysical materialism".²²⁸⁾ By contrast, I suppose, that Hägerström's materialism is scientific materialism. In his case, Hägerström "can definitely observe a development towards universality in moral ideas. That is that mode of action is good which is demanded by the well-being of the whole race".²²⁹⁾ I take it that this is not Hägerström's projection of his own feelings, but a scientific judgement. And the well-being of the whole race demands peace rather than social revolution.

Hägerström's own philosophy is indeed based on the thesis of Marx or Lenin that left to themselves people will never get rid of their confused notions. Unless the idea of truth and reality is put into their brains from the outside by philosophers or intellectuals, people will indulge in religion or magic. But then, I suppose, the Marxists are putting confused ideas into people's hearts, rather than their brains. Accepting the Marxists' division of people into two opposing classes, Hägerström also believes that it is vital to diminish this division. But it must be done by persuasion rather than by force. Minds are not conquered by force but by "the insight that everything is only a moment in an endless natural context, in which nothing is in itself higher or lower".²³⁰⁾ Rather than the Marxists' dictum that material force can only be overcome by a stronger material force, Hägerström's point is, I suggest, that people's emotions and volitions can only be overcome or removed by an emotion or a volition contrary to itself, and possessing more power in restraining emotion.²³¹⁾ Thus, we have legal rules "emphasizing the imperative form as such, which will break down the opposition of the will".²³²⁾

If my suggestion is correct, then Hägerström's philo-

228) Cf. Hägerström's criticism of Marx in "Social Teleology". Quotation from p. 69.

229) Hägerström, PR p. 303.

230) Hägerström, PR p. 95.

231) Cf. Spinoza, Ethics Part IV, Prop. LXIX (p. 233).

232) Hägerström, INLM p. 122. - I return to this in Chapter VI.

sophy is rooted in feeling rather than thinking. It follows, if we use Hägerström's own definition of metaphysics, that he is engaged in a piece of metaphysics as well. His "scientific point of view" turns out to be another metaphysical view. "Reality as such is an empty word", Hägerström writes, and continues, "then does the sage see only a word before him?".²³³⁾

I do not know about the sage, but I would like to put the same question to Hägerström. His answer is revealing "the word "reality" is basically nothing but the expression of the feeling of certainty".²³⁴⁾

But there is a world of difference between a judgement which is true and a "feeling of certainty" which refers to a psychological state, whose existence in no way guarantees that what Hägerström feels certain about is in fact true. Hägerström's philosophy rests upon confusing

1. p is true, where p denotes a proposition or judgement, and
2. Hägerström believes, or has a feeling of certainty, that p is true.

Obviously Hägerström may believe that his judgement or proposition is true even though it is not true, and his judgement may be true though neither he nor anyone else believes it or has a feeling of certainty. To take an example. The judgement "the primitive man is surrounded by invisible will powers" is "of course, a universally recognized fact".²³⁵⁾ That is to say Hägerström believes that this is a true judgement although the judgement is probably false. To be true judgement, Hägerström's beliefs must accord with the way the world is for the primitive man, the way the world is for the primitive man does not accommodate itself to Hägerström's beliefs.

The point may seem obvious, but Hägerström's writings show that he has confused the fundamental distinction between 1. and 2.

233) Hägerström, PR p. 209.

234) Hägerström, PR p. 59.

235) Hägerström, PR p. 233 and p. 243.

On the basis of Hägerström's epistemological theory there is an external world consisting of independent and external objects, which are fitted to the intellectual mind, exactly as they are. What is important is to purify the human mind from confused notions. The only way of obtaining knowledge of man's confused ideas is to study their history. Only by a study of the origin of our ideas, conceptions and judgements is it possible to know anything about the essence of man's confused situation. It is the origin, not the validity of judgements which is important. Or to put it in another way, Hägerström returns to Francis Bacon's conviction that knowledge gives a rather accurate picture of nature if only we take care in avoiding prejudices. The same applies to knowledge of society. I shall return, in a later section, to Hägerström's treatment of how to avoid "the idols of the mind". Thus, for Hägerström, the validity and truth of judgements depend upon the pure thought of a detached intellectual mind. An example is, of course, Hägerström's mind. If this is so, then there can be no epistemological problems left for the intellectual mind. And it is noticeable that Hägerström seldom enters into analyzing the methods by which judgements are tested, verified and falsified. The justification of the objective truth of judgements is for Hägerström his own reflective apprehension of reality. For this reflective apprehension facts present themselves as they are, they are there to be recognized by man's intellect, not to be made by man's mind. Consequently, intellectuals with a purified reflective apprehension can safely go ahead and explore the world, safely ignoring epistemological problems, for there are none.

Hägerström has provided the solid foundation for knowledge of objects. If Hägerström's epistemological theory is correct, then it is a mystery how error or confusion can arise. If we are directly confronted with an objective and material reality exactly fitted as it is to the intellectual human mind, then what is the basis for the fact of human error and ignorance? It takes a philosopher of Hägerström's calibre to unravel this mystery. This is the second

task facing Hägerström, and I shall return to that in Section 6.

His first task is to provide a secure foundation for knowledge. Hägerström has persuaded himself that he has established this foundation, by initiating a Copernican Revolution in epistemology, that is the sovereignty of reason and rationality in nature and society as opposed to unreason and irrationality. The question to be asked is if this revolution has been successful, and if so, what this amounts to. - This is the question which I shall try to answer.

What does Hägerström mean by using the word "revolution"? This word is ordinarily used, according to the Shorter Oxford English Dictionary, to denote "a complete overthrow of the established government in any country or state by those who were previously subject to it". If we apply this world to the state of affairs in the philosophical world, then it implies a complete overthrow of the established philosophy in any country by Hägerström, who was previously subject to the views of epistemological idealism and epistemological realism.

If this is what Hägerström means by using the word, then this is misleading. As I have tried to show it is by no means the case that Hägerström's philosophy is a complete overthrow of the established philosophical views.

Hägerström knows, of course, that there is an immense body of philosophical doctrines. He rejects all doctrines put forward by his contemporaries, because they are uncritical, that is to say they differ from Hägerström's doctrine. He also claims that his doctrine is far superior in wisdom to any of the doctrines put forward by his predecessors. However, even Hägerström's own thoughts are, largely, the product of his intellectual inheritance, and it seems to me to be the height of folly, if Hägerström ignores this fact and believes that he can overthrow other doctrines without being fully acquainted with their conceptual foundation. Hägerström forgets his own view of man as a link in a chain of causes and effects, and this applies equally to Hägerström as a philosopher. As I have tried to make clear his

own doctrine does not provide a new foundation for knowledge. Hägerström thinks that he is an exception, a genius or great man outside the chain of events. He is a great man not only in the sense of being the man of greatest understanding and wisdom, but also the man of greatest passion with a mission in life, that is directing the course of the chain of events. He then ends up as a philosophical imperialist in analytical disguise, with philosophical and historical success as the sole judge in matters relating to inquiries into the nature of law. If this is the standard to be adopted for the evaluation of Hägerström's revolution, then it has failed. This can easily be shown, and the evidence is, ironically, supplied by his closest followers, Lundstedt and Olivecrona.

Lundstedt, reviewing Hägerström's "Das römische Obligationenbegriff", in 1929 predicted that this book would be a turning point concerning inquiries into Roman law and bound to influence any subsequent research, since it is the only solid basis for knowledge of Roman law.²³⁶⁾ Indeed, anybody doing research in Roman law is forced to adopt Hägerström's approach, "*die gesamte römisch-rechtliche Forschung durch seine Methoden in neue Bahnen gezwungen wird*", as Lundstedt writes.

Olivecrona supplies tersely the evidence for the failure of Hägerström's revolutionary approach by writing "it sank like a big stone silently dropped into the sea".²³⁷⁾

For his henchmen, however, this does not affect the status of Hägerström's philosophy. Hägerström's philosophy has acquired an almost unchallengeable status with his true henchmen who teach it with relish. These henchmen and Hägerström himself regard his philosophy as a revolt against established views and impose it on others thereby trying to make it true, since history still is the sole judge of the truth or falsity of a theory, cf. above p.140 and p.146.

236) Lundstedt in *Kritische Vierteljahresschrift für Gesetzgebung und Rechtswissenschaft*, Band 23, 1929, p. 75-116. The quotation in the text is at p. 86 (my italics).

237) Olivecrona, in Hägerström INLM p. XV.

Thus, Hägerström's revolution is rather to be considered a revolt. Hägerström's revolt aims at creating order and harmony in nature as well as in society. His method of achieving this aim is to offer a firm foundation for knowledge, his principle of reality, around which everything in the world revolves. This is one sense of his use of the word "revolution". Another sense of the word is that it implies a turning away from previous philosophical views concerning the foundation of knowledge towards Hägerström's view. In this sense it refers to Hägerström's concern to alter the situation by diverting people's minds from unfounded and confused ideas to thinking of the natural and straight order of things. This aims at returning ordinary people to their senses.

Has Hägerström's revolution, in these senses of the word, been successful? The answer to this question is yes, and the reason why this is so is bound up with his method of teaching, referred to above in Chapter I, sec. 9, II, sec. 2.

It is important to observe, I think, that Hägerström appeals to the strength of reasoned arguments to support his claim to have established a firm foundation, or so it seems. Hägerström confronts his audience of pupils with the choice between two boxes, one box containing a treasure of knowledge, a sort of Pandora's box or a philosopher's stone, to be called A, the other box empty, containing nothing but confusion and words without thoughts, to be called B.²³⁸⁾ The pupil has, I take it, a preference for box A. The pupil lacks but one item of information, how he can identify box A from box B. The crucial question for the pupil is to find a clue to box A rather than box B. If we follow Hägerström, then the pupil has no item of information at his disposal concerning which box is A or B. It follows that the information available to the pupil is completely symmetrical concerning the boxes A and B. What the pupil wants is box A, and if he is reasonable he must make his selection in a

238) I am indebted to Nicholas Rescher for the example and the argument.

manner that does not favour box A over box B. What is the reasonable manner? There are, as I see it, three ways:

1. Make the choice in some manner which favours box A rather than box B.
2. Make the choice in some manner which favours box B rather than box A.
3. Make the choice in an impartial manner between A and B, that is make his selection in a random manner.

If we assume that the pupil is faced with complete symmetrical knowledge concerning box A and box B, that is he does not know which box is A, then he must choose the third way, if he is to be reasonable. Hägerström as a teacher is convinced that to choose the third way is unreasonable, and this holds for the second way as well. What Hägerström says in his lectures is equivalent to box A, and therefore the way for the pupil is the first way.

If the pupil follows the first way, then box A exists for him, as well as for Hägerström, independently of their beliefs. The pupil's willingness to listen to Hägerström's lectures, to test whether Hägerström is in fact in possession of box A may help to make Hägerström trustworthy, but it is irrelevant for answering the question whether Hägerström is box A or not. What matters in this respect is argument. The fact that Hägerström is convinced of being box A is one thing, this is a genuine phenomenon, but has as such nothing to do with the quite different thing whether Hägerström's conviction is true. It is, in other words, one thing *to think* that one is the voice of reason, another thing to be the voice of reason. Hägerström thinks that he is the voice of reason, if so, then he acts rationally if he presents his pupil with available information to choose in a rational way between box A or box B. This involves respect for the principle of rationality that it is right to believe or disbelieve, or doubt in accordance with the balance of reasons available, and wrong to doubt or disbelieve or believe in disregard of the reasons available.

It is my contention that Hägerström does not respect this principle. His attitude towards any judgement is not

that you can believe it, you can disbelieve it, or you can remain in doubt whether to believe or disbelieve it. On the contrary Hägerström's attitude is a secular version of the New Testament's attitude towards any judgement, that is you can believe a judgement or you can disbelieve a judgement. Hägerström's principle is that it is right to believe and wrong not to believe a judgement. The latter conceals the difference between disbelief and suspension of judgement. Hägerström's principle implies that it is wicked not to believe, and more specifically, that it is wicked not to believe in Hägerström's theory. Thus, we have Hägerström's concern as a teacher which is to draw his pupils into the direct awareness of his theory being the only true one, to the exclusion of all other theories, rather than to make his students aware of the vital question of making a reasoned choice on the basis of the principle of rationality. The effect of the principle of rationality is that he who learns the truth from argument may lose it again from argument. This should be Hägerström's position, since he appeals to argument in support of his position.

What I suggest is that this is not Hägerström's position. He is afraid of losing an argument. Therefore he makes his theory safe from failures. The devices to secure this are threefold. One device is to make the theory immune from being falsified, that is Hägerström does not allow any conceivable evidence to count against his theory. The second device is to insist that only Hägerström's philosophy counts and that Hägerström's outlook is the scientific outlook. Thus, it follows that it is out of the question to acknowledge any debt to other philosophers and scientists, since this involves the danger that these views may be linked with other views, which reflect another picture of the world, and this in turn may weaken the devotion of the disciples to Hägerström's outlook. Closely related to this device is the third device of attacking a critic's motives, when he dares to question the reliability of Hägerström's philosophy. - For the illustration of the three devices I refer to the writings of Lundstedt, cf. below p. 184.

The effect of Hägerström's principle is the position that he who learns the truth by obedience can only lose it by disobedience. Hence, we have Hägerström's presentation of his philosophy as an injunction or imperative: *crede ut intelligas!* Legal rules, we learn from Hägerström and Olivecrona, are independent imperatives, that is without any commanding persons. Thus, we have imperatives without a commanding authority, but with obedient subjects. The consequence of this theory is to hold that the objectivity of legal knowledge resides in the fact that it is concerned with legal rules as social rules. Is there a similar case to be made for claims to know, that is, is there knowledge without a knower? If so we have knowledge-claims without a commanding person but with knowing subjects.²³⁹⁾ The consequence of this view is to hold that the objectivity of knowledge in general resides in its being a social construction, not owing its origin to any particular individual but created co-operatively and communally.

This view is rejected by Hägerström. It is the origin of knowledge, which is the important thing, there can be no knowledge without a knower, and the knower is, not surprisingly, Hägerström. The crucial point for Hägerström is that man frees himself from epistemological realism and epistemological idealism, "the two fundamental forms of metaphysics", by acquiring knowledge.²⁴⁰⁾ And knowledge, for Hägerström, consists in the apprehension of "laws of what occurs or sequences of concepts which determine what occurs".²⁴¹⁾ This apprehension "itself loses all significance if one does not actually have ideas associated with the feeling of certainty or the feeling of evidence".²⁴²⁾ What Hägerström says obviously rests upon the assumption that the human being becomes like what he knows, and what he knows depends ultimately on feelings. These feelings in turn must become constant and changeless, since reality is by nature

239) Cf. Karl Popper, *Objective Knowledge*, Oxford 1975, esp. Ch. 3.

240) Hägerström, PR p. 67.

241) Hägerström, PR p. 57.

242) Hägerström, PR p. 60.

something constant.

Hägerström's way of thinking is similar to Plato's way of thinking.²⁴³⁾ For Plato the human soul frees itself from disorder by recognizing the orderly relationship between ideal forms in a world which is independent of the sensible world. For Plato the human being becomes like what he contemplates, and becomes orderly if he relies on and remains in contact with objects (i.e. ideas) which are constant and changeless. Hägerström accepts that with the important proviso that Plato's world of ideas for Hägerström is the present, sensible world of facts. But one might object that there is no reason why "the human soul-life" should become disorderly merely as a result of contemplating the disorderly, or "the human soul-life" should become orderly merely as a result of contemplating the orderly.²⁴⁴⁾ Plato thought otherwise, and his modern follower Hägerström follows suit.

As noticed above, the foundation of Hägerström's "scientific world-picture" is a complex of feelings and ideas.²⁴⁵⁾ Hence, if we follow Hägerström it "must be determined as void for one constructs meaningless combinations of words and yet believes that the words have a meaning". No particular form of metaphysics, says Hägerström, can ever become anything other than a more or less ingenious play with words.²⁴⁶⁾

Hägerström as a metaphysical philosopher uses his play with words in an ingenious way. People's volitions and feelings are unruly and this creates an unstable world. They must therefore be controlled in order to create a stable world. The only way to do this is to use the imperative form of injunctions or imperatives in order to "break down the opposition of the will", thus "paralyzing all genuine willing".²⁴⁷⁾

243) I am indebted to John Passmore, *The Perfectibility of Man*, London 1970, and his exposition of Plato, see especially p. 41 with references.

244) For the phrase quoted, see Hägerström, PR p. 210.

245) Cf. Hägerström, PR p. 56 for the quoted phrase, and the following quotation in the text.

246) Hägerström, PR p. 67.

247) Hägerström, INLM p. 122.

Hence, likewise the pupils learn the truth by paying obeisance to the master. If one is obedient to laws, the world becomes safe and stable, if one is obedient to the master, his authority and infallibility is unchallenged. If one is disobedient, the consequence is that the world becomes unsafe and unstable. What happens if one is disobedient is, if we follow Hägerström, that one is deemed to be irrational. As Hägerström writes,

"considering our common social goals, a person who is not subject to the compulsive ideas fostered by the social life is a mentally disorderly person. He is abnormal in so far as he is lacking the capacity to be susceptible to social suggestion, which is the characteristic of the human being as a social animal."²⁴⁸⁾

Thus in philosophy one is considered to be abnormal if one lacks the capacity to be susceptible to Hägerström's suggestions of ideas. This is perhaps harmless, but if this is to be considered a revolution I suggest it is a step backward rather than a step forward.

It is more serious, when Hägerström's view is applied in social and political life. Here it presupposes that "our common social goals" are fixed and determined. They are for Hägerström, since he hates social uproar. To be sure, there can be no doubt of Hägerström's humanitarian impulse; he had, like Marx, a desire to help the oppressed. But his help consisted in freeing their minds from sentimental and visionary ideas, and turning them to accepting Hägerström's philosophy using the scientific method of analysing the cause and effect of processes in nature and society. Public opinion is confused and must be despised. It is not people but rather the Hägerströmian scientists who are faced with "the responsibility of legal science for the fate of man and nations" to use Lundstedt's phrase.²⁴⁹⁾

Thus Hägerström's henchmen have chosen Hägerström's philosophy as the Pandora's box of knowledge. Whether this

248) Hägerström, Socialfilosofiska Uppsatser, p. 63. From an article written 1934 (my translation).

249) See his article with this title in New York University Law Review, vol. X, 1932-33, p. 326 ff.

box contains all the blessings of the world or rather all human ills is not in question. It contains all the blessings, and these blessings do not disappear when the box is opened. On the contrary, his henchmen, like Lundstedt, advocate the method of social welfare, turning Sweden, among all countries in the world, into the Kingdom of Heaven on Earth. It also explains why some leading contemporary Swedes consider themselves to be missionaries and quite capable of directing the course of future life of mankind. To mention one or two examples, you have the former Swedish statsminister Olof Palme, like Lundstedt of course a member of Socialdemokratiet, or the well-known economist Gunnar Myrdal, both making claims to be capable of solving the dilemmas of the world, be it in the United States, Asia, or wherever.

In this respect, then, one must grant that Hägerström has been rather successful. At the bottom of the Pandora's box, it must be remembered, hope is left. And it is my hope that people will realize, that the logical conclusion of Hägerström's philosophy is that human beings are treated as instruments by the Hägerströmian men of understanding and wisdom. This is their cunning of reason, that it sets the volitions and feelings of human beings to work for their thoughts. This is the aim of Hägerström's revolt to give a counter-impulse to other revolutionary ideas by taming and transforming people's volitions and feelings into a well-disciplined and well-functioning society of law and order, where the only right of man is the right to be wisely governed by philosopher kings, with a corresponding duty to obey. If successful this amounts to a revolution. This is Hägerström's challenge, and it ought to be resisted.

In the philosophical sphere, Hägerström's revolt can be seen as a taking of steps to bring a "categorical revolution" into existence.²⁵⁰⁾ What is meant by this phrase

250) For the phrase quoted see C.A. Mace, *Some Trends in the Philosophy of Mind*, in *British Philosophy in the Mid-Century* (Edt. C.A. Mace) London 1957, p. 99 ff., at p. 104.

is not so much that philosophical outlooks differ from one another in terms of what is observed in the world. These philosophical outlooks differ rather from one another in the way in which philosophers revise the basic assumptions and categories in terms of which aspects of reality are conceived and classified.

The crucial point for Hägerström is that to change reality one has to change man's thinking, feelings and volitions concerning reality. And this implies that one has to revise the basic and prevailing assumptions and categories. Then to speak of Hägerström's Copernican Revolution in epistemology makes sense. It also makes sense to make a comparison between Hägerström and Copernicus. As Popper writes,

"Copernicus' idea of placing the sun rather than the earth in the centre of the world was not the result of new observations but of a *new interpretation* of old and well-known facts in the light of semi-religious Platonic and Neo-Platonic ideas."²⁵¹⁾

Hägerström's idea of placing the principle of reality rather than man's consciousness in the centre of knowledge of the world is not, I suggest, the result of Hägerström making new observations, but a result of a new interpretation of facts in the light of his way of thinking. This way of thinking consists in adopting materialism rather than idealism and realism as the only proper way of approaching reality.

What is wrong with idealism and realism is that they offer an inadequate and incoherent conceptual scheme, since they both assert that the source of knowledge lies within the individual, either ideas in the individual's mind, i.e. idealism, or the individual's sense-experience, i.e. realism or empiricism. This leads to adoption of an epistemological individualism which in turn leads to an ontological individualism. The consequence is, as Hägerström sees it, "the universal tendency to personify natural phenomena".²⁵²⁾

251) Popper, *Conjectures and Refutations*, p. 187 (his italics).

252) Hägerström, PR p. 281.

These approaches lead to conceptual schemes in terms of which what is observed is described and explained in anthropomorphic terms, i.e. psychical terms of sensations, feelings or volitions, using teleological explanations. Hägerström's philosophy can be seen as a revolt against these ways of approaching the world. Epistemological individualism is wrong, since it fails to recognize that there is a public external world existing apart from the individual and his ideas or sensations.

Ontological individualism is wrong as well, since it fails to give an account of this external world in categories and classifications using material terms and causal explanations. - From Hägerström's point of view we must revolt against epistemological individualism and ontological individualism and replace these positions with Hägerström's epistemology and ontology. Hägerström's epistemological point of view is, as I have tried to show, above p. 145. considered to be the only scientific view. It is materialism as the only possible world-view. This view implies that objects in the world must be de-personified and de-psychologized in order to present what is given to man's intellect in scientific terms. This implies that instead of personifying objects we must take steps to objectify or materialize objects.

Turning towards materialism as the only possible ontological view Hägerström oscillates between a strict version of materialism and a modified version of materialism. According to the strict version of materialism only matter exists in the sense that everything can be explained as modifications of matter. Mental states can be identified with material states, i.e. activity of the brain. As Hägerström writes,

"it is only through his more highly developed brains and thus through his greater capacity for knowledge that man can make himself the master of all living beings and thereby procure the conditions for the satisfaction of his needs."²⁵³⁾

This view implies that the intellect is passive in the

253) Hägerström, PR p. 299.

sense that knowledge streams into us - once we have got rid of the confusions caused by feelings and emotions - through our senses. - According to this version Hägerström's view involves a conception of the world as a rational ordered machine which is governed by inexorable causal laws, constraining our minds. It follows that the legal order "is throughout nothing but a social machine in which the cogs are men".²⁵⁴⁾ It follows, too, that human beings are objects, not agents, in a chain of causes and effects. Thus, Hägerström turns away from personifying everything to materializing, that is mechanizing, everything. Man is nothing but a machine, a bundle of processes of bodily feelings which can be subjected to social engineering by skillful scientists having insight into the complicated machinery and knowing how to operate the laws of human behaviour. For Hägerström, it must be stressed, cause and effect are linked by logical necessity, and the individual who disobeys a law is abnormal, since he puts himself, or tries to put himself, outside the regular order of events which operates by necessity. These laws, whether descriptive natural laws or prescriptive legal rules, are of an impersonal nature. There is no personal deity, nor any will of the state, sovereign or whatever behind the laws.²⁵⁵⁾ This is the strict version of Hägerström's materialism.

There is also a modified version of materialism to be found in his writings. According to this version, mental phenomena cannot be identified with material phenomena. In the modified version of materialism Hägerström holds that whatever exists can be explained in natural terms, that is to say on scientific lines. The entire world consists of natural objects which exist within the spatiotemporal causal order. The legal order consists of and owes its existence, continuance and end to the operation of natural causes, and it is solely with reference to these natural causes that it

254) Hägerström, INLM p. 354.

255) Hägerström seems sometimes to confuse laws in a descriptive sense and laws in a prescriptive sense. I shall return to this in Ch. VI.

is possible to explain changes in the behaviour of human beings. Human beings are agents, not objects, but they are confused agents and need a philosopher to set the right course. Nature is in principle intelligible in all its parts. As Hägerström writes it is the most absurd view to make "use of thought in order to show the inadequacy of thought".²⁵⁶⁾

In his modified version of materialism Hägerström's message is a proclamation of the omniscience of thought or reason, which is identical with science. The language of science is the language of causes, and causal explanations of nature, society, and men's actions are fundamental and take precedence over any other explanation, e.g. the explanation of human actions in terms of reasons. Man is still to be conceived as a link in the unbreakable chain of causes and effects. Man needs laws as a bridle to harness his instincts and help him to fulfill his function. Again, the point is - as is the point with materialism in the strict version - that science is power over nature and society. Man can make himself the master of all living beings, since Hägerström still holds the view of causality outlined above. It is the scientists knowing the laws of association of ideas in the human minds who govern the world. What becomes important is to study the historical and psychological origin of ideas in order to explain the existence of legal rules. If it is known how ideas are generated it is possible to control them and in this way it is possible to gain ascendancy over people. Man's mind is composed of the faculties of thinking, willing and feeling, and it is the faculty of thinking which is constant and orderly which is important in contrast to the other faculties.

The significance of the modified version is that it can afford to be liberal, that is religion can be saved. Religion belongs to the realm of feelings, and there "is only one way to rescue religion from collapse, and that is to tear it loose entirely from the question of truth".²⁵⁷⁾

256) Hägerström, PR p. 262.

257) Hägerström, PR p. 273.

Perhaps, too, there is only one way to rescue law and morality from collapse. Law and morality belong to the realms of volition and feeling. To save these realms from collapse, one must tear law and morality loose from the question of truth, away from science.

In their blindness some fanatics do not understand that religion and law belong to "the very highest values of the human race".²⁵⁸⁾

Hägerström's modified version saves religion and law, his strict version is leading law and religion to their demise. This is a conflict within Hägerström himself, and it is presented outwardly in his writings. This is also the reason why Hägerström's philosophy in general is riddled with ambiguities and contradictions. Since Hägerström's philosophy is based upon the principle of contradiction, he cannot use the Hegelian notion of the fertility of contradictions. Hägerström is committed to the view that his theory must be free from contradictions. Since Hägerström also claims that he has not changed his mind, and that his philosophy is a consistent whole, he cannot claim that the inconsistency in his philosophy is due to a change of view. Perhaps Hägerström has confused consistency with obstinacy. If I change my opinion on Hägerström's philosophy this involves that my former opinion is inconsistent with my present opinion. I can see no harm in this, since it is a sign that I am willing to revise my opinions in the light of the reasons available. What is objectionable is if my present opinions are inconsistent, that is if, say, this thesis contains any inconsistencies. I hope that this is not the case, I have in any case tried to avoid being inconsistent.

My claim is, however, that Hägerström's opinions are inconsistent, and this is perhaps a reason for their attractiveness. Interpret his judgements in one way, and you have a set of tautologies, interpret his judgements in another way, and you have a set of interesting claims, but their truth is highly questionable. Perhaps Hägerström with his

258) Hägerström, PR p. 273.

emphasis on consistency confuses this with orderliness, believing that since thinking demands consistency, it follows that there must be consistency, i.e. tight order and regularity in things as well. But consistency is by no means equivalent to tight order, and the description offered by Waller of Hägerström's huge desk and his working room shows that Hägerström after all is able to combine a disorderly arrangement of books as reasonable with the altogether different position of trying to present his philosophical judgements in a consistent way.

On the other hand there is a danger that he confuses consistency with orderliness in things which easily leads to tyranny in politics by way of his view that it is unreasonable of people to behave in a disorderly way, i.e. disobey legal rules, cf. above p. 164 f., p. 173 f.

To return to Hägerström's version of materialism I wish to point out that Hägerström is inconsistent. Hägerström's objection against the conceptual schemes offered by other philosophers is that they personify objects. This is due to the capital mistake of taking man's consciousness as starting-point. If this is a capital mistake then Hägerström commits that very mistake. Hence, he is inconsistent. Hägerström implies that his starting-point is not man's consciousness. But my objection is that this is precisely the case. To be sure, his conception of man differs from the conceptions offered by the philosophers Hägerström criticizes, but nonetheless Hägerström's starting-point is man. Man, according to Hägerström's conception, is a mechanical being, so his approach is still an anthropomorphic approach. The world is conceived after the pattern of human activities in terms of mechanical causes. His way of conceiving nature, society and man becomes mechanomorphic.²⁵⁹⁾

If we hold with Hägerström that an anthropomorphic view of personifying things is inadequate, then Hägerström must also hold that another anthropomorphic view of mechanizing

259) I owe the latter word to Stephen Toulmin.

things also has its inadequacies. The latter view may very well be another prejudice. The danger is that the world of causes working mechanically and necessarily is considered to be the only real world, to the exclusion of the world of feelings or volitions. And reasons for actions are either dismissed as being illusory or a world of appearances, or else forced into the conceptual scheme of operating causes. This leads to the confusion between reasons for actions and causes of behaviour. It seems to me that Hägerström's scientific view is fraught with these dangers.

It must be noticed that Hägerström's step to initiate a categorical revolution is by no means a unique step. Long ago, Reid writes,

"there is a disposition to materialize every thing, if I may be allowed the expression, that is, to apply the notions we have of material objects to things of another nature".²⁶⁰⁾

Hägerström, I suggest, succumbs to this disposition, and tries to express this within the framework of the inherited conceptual scheme. Thus he fails to take the further step, to express his view in a consistent materialistic terminology; Hägerström uses a misleading terminology, and this may be the reason for the inherent confusion of his followers. As noticed above Hägerström has been successful to the extent that he converted a lot of influential people to following his course. Hägerström convinced legal theorists, Lundstedt and Olivecrona for example, that notions such as "rights" and "the binding force of legal rules" are, strictly speaking, meaningless notions. If so, the consequence must be that we cannot legitimately use these notions any longer. They must be discarded in any scientific description of reality. As Hägerström says, in another context,

"Nothing prevents one from saying such a thing (e.g. that people have rights), but then there is no real concept standing behind such words".²⁶¹⁾

In this respect Hägerström's revolt has failed. Lund-

260) Reid, *Essays in the Intellectual Powers of Man*, p. 694-5.

261) Hägerström, PR p. 55 (my insertion of paranthetic comment).

stedt, to mention one example, rejects the notion of legal rules as meaningless, writing "there is no such law as a body of rules, etc."²⁶²⁾ All the same Lundstedt proceeds to write books on legal rules. Small wonder that Lundstedt says that "only a few of those who criticized my work have succeeded in coming to grips with my arguments". Characteristically Lundstedt uses the devices, mentioned above p.172. to substantiate his own view. He refers only to the favourable reviews and disregards completely the critical ones. This is science, or so we are told. In this regard Hägerström's revolt is a step backward, not a step forward.

Olivecrona, to take another example, lapses into idealism. Like Lundstedt he holds that there are no legal rules, they exist only as ideas in people's minds. Here is what he says,

"It is impossible to ascribe a permanent existence to a rule of law or to any other rule. A rule exists only as the content of a notion in a human being. No notion of this kind is permanently present in the mind of anyone." ²⁶³⁾ The imperative appears in the mind only intermittently."

Does it follow then that legal rules are every moment annihilated and created anew? Does it follow that legal rules exist only when they are permanently present in somebody's mind? If legal rules only exist as ideas in the minds of people, one can understand why it is necessary to insist on the use of force, and on the use of propaganda, as advocated by Olivecrona. Since talk of rights and justice is meaningless, the legal rules cannot be subject to any moral standards. Might is right. As Hägerström says "one must seek for the strongest powers in the race" and have "faith in the power of the social instincts in the race". ²⁶⁴⁾ Law becomes social hygiene to "counteract the anti-social forces which destroy community and solidarity".

Scandinavian legal realists insist, following Häger-

262) Lundstedt, *Legal Thinking Revised*, p. 23; the following quotation is found at p. 11.

263) Olivecrona, *Law as Fact*, 1st ed. p. 47-8, cp. Berkeley, *Objections to the Principles* § 45, *Selections* p. 64.

264) Hägerström, *PR* p. 303, and p. 304. - Notice the use of 'race', cf. Popper, *The Open Society and its Enemies*, vol.II, p.61 f.

ström, that the concept of right is a meaningless concept, just as Berkeley insists that the concept of matter is a direct repugnancy with no distinct meaning. And just as Berkeley appeals to his own thought to bolster his claim, so does Hägerström, and both try to convince others of this by entreating them to attend to their own thoughts. By this attention the emptiness or repugnancy of the concept of right must appear, and surely nothing more is requisite for the conclusion that the concept of right is a word without meaning. If this is evident, then it is incomprehensible why these writers still continue to use the concept of right, sometimes using the device of inverted commas to signify that they are, after all, talking sense, not nonsense. Since the concept of right is, by definition, without any sense, this use implies that the concept must be taken in some other sense, but what that is they do not explain. This is incoherent, and nonsensical. But it serves a purpose after all, that is to take advantage of people's sentiments instead of wasting the time on efforts to establish a proper scientific terminology.

Then Hägerström's revolt does present a challenge, since Hägerström's feeling of self-evidence is mistaken for the efforts of powerful and profound thoughts, only concealed by the obscurity of his terminology. Hägerström's revolt makes also a challenge if there are some thoughts behind his words. Then Hägerström's revolt can be understood as an invitation to consider materialism as the proper framework for describing and explaining the way the world is like.

I also suggest that we take Hägerström's invitation seriously. To do so is to realize that Hägerström has only taken a first step. The implementation of his invitation has to be carried out by substituting meaningful terms instead of the meaningless ideas of, say, rights and the validity of legal rules.

To offer such an alternative conceptual scheme raises the question whether one should accept Hägerström's invitation. It is one thing to take the invitation seriously,

quite another to accept it. Should we accept it? We have then to search for the reasons for and against materialism, in the strict or modified version, and judge in the light of those reasons whether or not to accept the invitation. I remain in doubt about that, but I do not remain in doubt that we ought to do what we can towards eradicating the evil habit of just believing Hägerström on account of his authority, and without regard to evidence.

Hägerström has issued an important invitation. What I resist is being conditioned into accepting it on pain of dismissal as irrational. In this respect, our duty is to revolt and undermine Hägerström's influence.

6. Hägerström's Metaphysics

The title of this section is provocative. After all Hägerström's motto for his own philosophy is "*praeterea censeo metaphysicam esse delendam*", that is to say "it is a declaration of the opinion that we must destroy metaphysics, if we ever wish to pierce through the mist of words which have arisen out of feelings and associations and to proceed from sounds to things".²⁶⁵⁾

Thus, Hägerström's philosophy is a declaration of war against metaphysics, which links Hägerström with other philosophers - predecessors as well as contemporaries - who are also engaged in a battle against the harmful effects of metaphysics. Metaphysics is not a serious philosophical discipline, and the pronouncements of metaphysicians must be set down as entirely lacking in any real significance, and the adjective "metaphysical" must be used as a term of abuse or in a pejorative sense to mean words without any thoughts behind. This is Hägerström's position, and his attack against metaphysics is also an attack against idealism. Whatever the difficulties, in which Hägerström and his true disciples have found themselves, it must be granted that the force of their polemics against metaphy-

265) Hägerström, PR p. 74, cf. p. 33.

sics and idealism is unaffected. Few philosophers, and few jurisprudents, nowadays, would wholly reject the label of being a "realist", and most of them will reject the label of being a "metaphysician".²⁶⁶⁾

Of course, when rejecting metaphysics, the question is what is meant by "metaphysics"? According to Hägerström's definition metaphysics "ist jede Anschauung zu bezeichnen, die aus der Wirklichkeit selbst - der Wirklichkeit an sich - etwas wirkliches macht".²⁶⁷⁾ That is to say a metaphysical view is characterized by its concern with either pure being (Wirklichkeit an sich) or with a particular real object, where reality (Wirklichkeit selbst) is regarded as a property. Thus, we have Hägerström's definition of metaphysics as "nothing but a series of combinations of words, concerning whose character the metaphysician knows nothing".

Hägerström's point is first that natural things and events cannot be explained by transcendent causes, but everything must be explained as belonging to the single and all-inclusive system, which is reality or the world of experience in time and space. No cause can be conceived as somehow outside or independent of the order of reality, e.g. a transcendent God creating reality. Reality is in principle intelligible in all its parts and self-contained as a system with reference to the furnishing of natural explanations in terms of necessary causes. This is Hägerström's naturalism or materialism, his argument is aimed at showing that there is no empirical evidence for the existence of God provided by aspects of the nature of reality or of human experience.

The second point Hägerström makes is the familiar Kantian view that reality or existence is not a property of anything. Hägerström's argument is aimed at showing that the attempt to prove God's existence from reason alone

266) Cf. Neil MacCormick, *Law as Institutional Fact*, *The Law Quarterly Review*, vol. 90, 1974, p. 102 ff., at p. 103. Cf. John Passmore, *A Hundred Years of Philosophy*, p. 264.

267) Hägerström, *Selbstdarstellung*, p. 136, cf. PR p. 60 for the following quotation in the text.

breaks down, since existence is not a property.

It has been claimed, by Cassirer, that Hägerström's definition of metaphysics, quoted above, cannot in earnest be considered to be a definition.²⁶⁸⁾ For Cassirer, it is rather "ein Schlagwort und ein Kampfwort". I agree about this, but I fail to see the force of Cassirer's claim. Hägerström, to be sure, is engaged in a battle against metaphysics, but this does not rule out that he supplies a definition of the word "metaphysics" as well. Hägerström's definition must be considered to be a stipulative definition of how Hägerström is going to use the word in his writings. This can be seen as another sign of Hägerström's self-conscious attitude of setting up a meaning relation between the word "metaphysics" and some object, i.e. some views which he dislikes. Hägerström simply rules that any previous meaning of the word "metaphysics" is now entirely to be annulled by his stipulation. It follows that it is beside the point to criticize Hägerström's definition for failing to comply with an established meaning. But it is not, of course, besides the point to ask whether there is any reason for going along with Hägerström and accepting his stipulative definition. My answer to this is that we should not. Hägerström insists on accurately defined words, but what his stipulative definition of the word "metaphysics" implies is that only Hägerström and his followers are talking sense in contrast to the adversaries who do not. This reflects a contemptuous attitude to the views of the non-followers of Hägerström, and represents also the potential danger of glib and pretentious pseudo-history of philosophical ideas, which is potentially more dangerous than no history at all. Hägerström's stipulative definition should then be rejected because it does not clarify, but clouds the issues.

Having stated his stipulative definition it follows that Hägerström is committed to use the word "metaphysics" in the sense announced. It may very well happen that he

268) Cassirer, Axel Hägerström, p. 16.

fails to do so, and then he is liable to criticism. If this is the case, then Hägerström's stipulation implies a false promise. It is not necessarily the case that Hägerström is dishonest, but even he may be liable to be deceived by words. This is actually the case, as I shall try to show. Hägerström is engaged in metaphysics, in his stipulated sense. It follows then that there can be no contrast between a metaphysical view and a non-metaphysical view, and this implies that everyone is talking nonsense, and this is nonsense.

Hägerström is, however, also a metaphysician in an altogether different sense. What I mean by this claim is that Hägerström's approach to reality is based upon a metaphysics or on an ontology. I shall use the word "ontology" rather than "metaphysics" in order to distinguish between Hägerström's use of the word "metaphysics" and his metaphysics in the sense of ontology. Hägerström believes that everyone who thinks, and does not chatter, must have some ontology, that is to say some view of what really exists in contrast to what only seems to exist, of what exists permanently in contrast to what only exists temporarily, and of what exists independently and unconditionally in contrast to what exists dependently and conditionally. If everyone holds a view concerning these issues, then the important thing is to have the right view. And Hägerström sets out to provide this. His ontology is based upon the denial of the distinction between form and matter. His approach to reality is not based upon Kantian categories which structure the sensible reality and condition the indeterminate and chaotic mass of sense-experiences into a unified and orderly body of knowledge.

Sensible reality has an inherent and independent logical structure. Thus, Hägerström's view is not that there can be a scientific method without any ontology. On the contrary, Hägerström claims that "the real as such *is* something constant".²⁶⁹⁾ This is tantamount to Hägerström's ontologi-

269) Hägerström, PR p. 288 (my italics), and p. 37 for the following quotation.

cal proposition: "to maintain the completely logical character of sensible reality, i.e. to repudiate the conception of a logical form and non-logical matter in the knowledge of the sensible". This is an ontological proposition directed against the Kantian Copernican Revolution, see above p.99. Hägerström's problem is the problem of the rational understanding of reality, more precisely to provide an account of the world as a whole which is completely intelligible. His solution that the sensible reality has a logical character is an attempt to refute the Hegelians and the Marxists who also claim that sensible reality has a logical character but in the altogether different sense that reality is contradictory and develops dialectically as a universal and irresistible force before which nothing can stay. Hägerström sets out to arrest this force by offering his ontological thesis, stating that reality is non-contradictory, the nature of reality cannot be other than it is. Reality exists necessarily and cannot be caused or explained by anything else, be it the gradual unfolding of the Hegelian Idea or the material forces of production in society as Marx holds. The world which confronts us is not a dramatic theatre of change but an authentic display of things and events which exhibit, for the discerning mind, that everything in the world is in its real nature essentially and necessarily related to everything else. To be means to be a determinate object in space and time or to have a determinate place in space and time in the necessary chain of cause and effect. This Hägerström claims is the only possible scientific outlook.

When Hägerström claims that sensible reality has a logical character, his claim is based upon the view that sensible reality imposes its laws upon the intellectual mind. It is the law of contradiction, which "declares, in fact, what reality in itself is, although it is not a consequence of this, that it makes any declarations about what is real".²⁷⁰⁾

270) Hägerström, PR p. 42.

Thus, for Hägerström the law of contradiction is primarily descriptive of reality as such, and this corresponds to the logical standard of correct thinking. This is in accordance with Hägerström's view that objectivity belongs to independent objects, and the corollary that "the objectivity of knowledge must lie in the very nature of what is apprehended, in the very nature of the object".²⁷¹⁾

Hägerström's defense of his ontological thesis is based upon the appeal to "the intuitively given reality of the object".²⁷²⁾ Truth is guaranteed by the origin and directness of our ideas or perceptions, which is in turn supervised not by God but by the principle of reality. It follows that Hägerström adheres to what Popper calls "the bucket theory of mind".²⁷³⁾ From this position the important thing for Hägerström is to fill the bucket, that is the minds of people, with the correct information, which implies a distinction between what is apparent and what is real. Since what is real for Hägerström is equivalent to what is objective and material, it follows that what is not real is non-objective and non-material, that is to say feelings and volitions in contrast to thinking. The important point then becomes either to destroy the feelings or volitions or to subdue them to thinking, that is to restrain and repress men's feelings and immoderate volitions by the use of laws based upon thinking and using force to constrain the recalcitrants. Another important point is that truth is manifest, at least for an unprejudiced and intellectual mind, hence ignorance is, for Hägerström, a sin which can be cured, not by God's grace but by the insight of the philosophers.

Hägerström's ontological thesis is presented as the true view, since it depends upon no particular assumptions but is a simple record of things as they are, determinate and simple and exempt from change. From this solution to the problem of change, the implication is that some ideas, i.e. the truly scientific ideas, do not change, have no

271) Hägerström, PR p. 36.

272) Hägerström, PR p. 51

273) Popper, Objective Knowledge, p. 60.

history, and are not socially conditioned. Other ideas, i.e. the non-scientific ideas of, say, right and justice, are located in history and are socially conditioned. The first sort of ideas carry their rational credentials with them, so to speak, since they are self-reinstating. If you try to deny the law of contradiction the very fact of doing so is proof of the existence of it. The second sort of ideas do not carry their rational credentials with them. The business of the philosopher is then obvious, his task is to offer explanations of the origin of such ideas in terms of social and historical causes. This explains why Hägerström, in his writings, is so concerned with the origin of ideas.

Hägerström's ontological thesis is thus of central importance for his own work, and invites the question whether we should believe it or not. Or rather whether to believe it or its contradictory, for one of them must be true. This is a distinguishing mark of good thinking.²⁷⁴⁾ Good thinking is revered by Hägerström, so I follow the latter approach.

The question then is whether to believe (A), Hägerström's thesis, which is an example of a universal affirmative, or A, proposition: all sensible reality has a logical character (all reality is logical), or to believe (O), the counter thesis, which is an example of a particular negative, or O, proposition: some sensible reality has not a logical character (some reality is not logical).

The task is to decide, and adopt, the true proposition, which is either A or O, and reject the false one, which is either O or A. But which of these is the true proposition? To answer this question in a proper way one must look upon and decide whether the propositions are analytic propositions or synthetic propositions.

If the propositions are considered to be analytical propositions, the criterion of truth is the law of contradiction, and this is in accordance with Hägerström's own

274) Cf. Richard Robinson, *An Atheist's Values*, Oxford 1964, p. 76.

view, as quoted above p. 99.

An example of a self-contradictory proposition is "the sum of the angles of a triangle is not 180 degrees". If this is a meaningful, yet false proposition, it follows that the meaningful and true statement is "the sum of the angles of a triangle is 180 degrees". As Hägerström says, this proposition "signifies ... something real, and not merely an apprehension. It is so."²⁷⁵)

To revert to Hägerström's thesis about reality. Does his proposition A also signify something real and not merely an apprehension, that is to say it is so: all reality is logical? But what is the reason? Hägerström offers no reason for the truth of the proposition about the triangle. Hägerström does not discuss whether this is an analytical truth, or perhaps, following Kant, that it is a synthetic a priori truth. For Hägerström, it is so! This is self-evident. Perhaps it is also self-evident that Hägerström's proposition is true? If this is the case, then it is an analytical proposition, and it is true in virtue of its meaning alone. The consequence is that so conceived Hägerström's proposition does not give any important information about the world. If Hägerström thinks so, then it only shows his own misfortune consisting in mistaking words for reality, or to use the language of Hägerström, that Hägerström has failed to proceed from sounds to things.

If Hägerström wishes to move from the A proposition as an analytical proposition to things in the world, then his argument is a version of the ontological argument. To use the ontological argument is to indulge in metaphysics, in Hägerström's sense, so Hägerström is taking steps to indulge in metaphysics. Hägerström's thesis is that reality is logical, which implies that we have an apprehension or idea of reality as logical. This idea must signify something real, that is to say it is necessary to recognize the existence of this idea not only in thought but also in fact. If the idea exists in thought and in fact, the

275) Hägerström, PR p. 39.

idea is more perfect or real than if the idea only exists in Hägerström's mind.

Since Hägerström claims that it is a capital error to treat existence as a property, it follows that he fails to establish any link between his A-proposition and reality. It is not a logically necessary or conceptual truth that all reality is logical. Hägerström may very well wish so, but it does not follow that reality complies with his wish. If Hägerström thinks so, he only deludes himself by wishful thinking, which, incidentally, is Hägerström's objection to other writers, except himself. It follows we should believe in the truth of O-proposition, and reject Hägerström's thesis.

It may be that Hägerström's thesis is advanced as a synthetic a priori truth, based upon Hägerström's rational insight into the nature of reality. This approach cannot be based upon the nature of the human mind, as Kant argues. For Kant it is because the human mind is active and imposes order that reality has a logical character. Hägerström denies the distinction between form and matter, and holds that the human mind is passive and determined by a logical reality that exists independently of human mind. - Hägerström then claims that his powerful mind is able to grasp that reality is necessarily logical.

This view puts Hägerström in the camp of the rationalists as opposed to the empiricists. For Hägerström the A-proposition is at once the proposition of an ontological truth concerning the way things are and a proposition of a logical requirement of thinking about things. But who says that Hägerström's rational insight is correct except Hägerström himself, of course? He relies on his intuition or rational insight, and it is a well-known fact that different people's rational insights or intuitions may conflict. If I, for one, claim that my intuition is that the O-proposition is true, it follows immediately that I dispute Hägerström's insight, since then his A-proposition is false. Here the argument ends, and the fight takes over. Even Hägerström does admit that he cannot prove that his A-propo-

sition is true.²⁷⁶⁾ And then he proceeds to persuade other people to accept it as the truth, writing "when it comes to calculating the consequences of our actions, only objective reality has meaning". When my rational insight is in conflict with Hägerström's, Hägerström resorts to the pragmatic view that history is our judge, and it is success which counts as the final arbiter between opposing views. Against this view I wish only to say that then we must try to prevent Hägerström's success by refuting the arguments he offers.

If Hägerström's thesis amounts to stating an a priori synthetic proposition, then it is in my opinion false, and the truth of the O-proposition is then vindicated. It may be that Hägerström's thesis is advanced as an empirical or purely synthetic proposition, that is to say Hägerström's thesis states a factual truth. It is then a scientific hypothesis and it is a truism that it is logically possible that it is false. This is perhaps also what Hägerström hints at in the passage quoted above that the law of contradiction does not make any declarations about what is real. If this is so, then Hägerström must appeal to experience as evidence for the truth of his ontological thesis. This is, in fact, what Hägerström does. According to Hägerström's ontology whatever *is* occupies space, and what is in space can be discovered only and always by sensations. The problem is whether these sensations of objects are true or false. Hägerström thinks that they are always true, writing "aber weshalb haben gerade die Wahrnehmungen, die man mit Hilfe des Mikroskops macht, aus dem Gesichtspunkt der Erkenntnis einen Vorzug? Offenbar einzig und allein deswegen, weil unsere Induktionen wirklich Erkenntniswert haben, und es sich *daraus* ergibt, dass es Gleichförmigkeit im Geschehen gibt. Wäre das im Mikroskop neu Hinzukommende nicht durch die eigene Beschaffenheit der Sache selber bestimmt, sondern entstünde es regellos, dann würde Regellosigkeit auch im Universum herrschen und Induktionen keinen Erkenntniswert haben."²⁷⁷⁾

What Hägerström is saying is that inductive reasoning is

276) Cf. Hägerström, PR p. 58, for the quotation in the text see p. 54.
 277) Hägerström, EE p. 16 (Hägerström's italics).

the basis for genuine knowledge, because it is a defining characteristics of objects that they are all causally determined.

But this will not do. The suspicious words which Hägerström uses are "Induktionen wirklich Erkenntniswert haben", that is genuine or actual knowledge. If Hägerström is asked how he knows that his inductive reasoning has informative value and constitutes genuine knowledge, then he can cite, for example, some evidence from the past. If I come up with some other evidence to the contrary, then Hägerström is able to dismiss my evidence by saying that this has nothing to do with the question at all, since my inductive reasoning does not amount to "wirkliche Erkenntnis", or genuine knowledge. The rejoinder to Hägerström is that his evidence has nothing to do with the question at all, since he is presupposing that all events are causally determined, and this is precisely what I am questioning. Hägerström simply begs the question.

If Hägerström says that it is a defining characteristics of objects that they must necessarily have an inherent orderly character (durch die eigene Beschaffenheit der Sache bestimmt), then the rejoinder is that this argument is unsuccessful as well. Hägerström, although powerful, cannot legislate centaurs into existence by defining a word, nor can he legislate order into existence by defining the word 'object' (Sache). From definitions of "x", Hägerström is not entitled to draw any conclusion whatever about whether there are any x's in the world.

Whether there are any x's in the world and whether they do exhibit order are matters for scientific investigation, and in this respect Hägerström simply ignores Hume's criticism of induction and the subsequent discussion of this problem. This is, of course, a serious flaw in Hägerström's philosophy, but having said that, I shall not enter into a discussion of this problem.

Hägerström's evidence for his ontological thesis is based upon the proposition that something contingent exists, such as himself, for example. What Hägerström means by this

proposition is that the object so described, i.e. Hägerström, does not exist through itself alone but owes its existence in space and time to some other object, i.e. his parents, and they in turn owe their existence to their parents, and so on. Contingent objects are not self-complete, but demand the existence of something else if they are to be fully explained.

Thus, Hägerström makes the move from contingent existence to necessary existence, the logical structure of reality which necessarily exists. This is a version of the causal argument for God's existence, the only difference is that Hägerström substitutes reality or rather the principle of reality for God. Hägerström's argument faces then the same difficulties as does the empirical argument for God's existence, which I shall only notice, and not develop.

The conclusion is that Hägerström's substantiation for his ontological thesis, if offered as an empirical proposition, fails. Hence the reasonable thing to do is to believe in the O-proposition rather than Hägerström's A-proposition on the basis of his evidence.

Perhaps Hägerström's thesis is not to be considered to be an ontological proposition, but it is rather to be considered to be a methodological principle. This interpretation carries some force, since Hägerström writes that "*when we remove the presupposition that reality is something constant, which cannot be in more than one mode, we cut the life-nerve of thought*".²⁷⁸⁾

There is clearly a difference between

- A) reality is, as a matter of fact,
something constant, and
- B) it is presupposed that reality
is something constant.

A is an ontological doctrine which asserts wherever there is an object in space and time, this object can be explained as a link in a constant chain of causes and effects.

B is a methodological principle which makes the weaker

278) Hägerström, PR p. 288 (my italics). Cf. p. 54 and p. 58.

claim that wherever there occurs an object in space and time there is in principle an adequate explanation available in terms of causes and effects. The methodological principle expresses a programme of looking for order in the world, and as such there can be no objections against it. It has been held before by philosophers, e.g. Thomas Reid, who claims that this is one of the first principles of contingent truths.²⁷⁹⁾ It is also the basis for Kant's Copernican Revolution. But what holds as a methodological principle can be challenged and replaced by another methodological principle. It need not be necessary for scientists to adhere to Hägerström's thesis in their investigations of the world.²⁸⁰⁾

And if Hägerström's methodological principle is adopted, then it does not follow that the world is inherently constant. To argue in this way is to confuse a regulative principle of thinking with a constitutive principle of reality.

I think it is fairly clear that Hägerström's thesis is a mixture of the methodological principle and the ontological proposition. What does conform to his thesis is treated as real. What does not conform to his thesis is dismissed as unreal. Then Hägerström's thesis is neither an ontological proposition nor a methodological principle but is an assumption which Hägerström assumes to be true so staunchly that he will not admit to himself that it can be refuted or even doubted, and will not permit others to refute or doubt even though such a refutation or doubt is at hand, as I have tried to show. If this is correct, then Hägerström is like the patient who says to the doctor: "Doctor I am dead". The doctor tries in vain to convince the patient that he is alive, offering the final and conclusive test that dead persons do not bleed, to which the patient agrees. When pinched by the doctor the patient bleeds, and says "Doctor I was wrong, dead men do bleed".²⁸¹⁾

Like the patient who is so convinced that he will not

279) Reid, *Essays on the Intellectual Powers of Man*, p. 642.

280) Cf. Popper, *The Open Society and its Enemies*, vol. II, p. 220 f.

281) I am indebted to John Hospers for the story.

accept any contrary evidence, Hägerström is so convinced of possessing the truth, the whole truth, and nothing but the truth that he is not prepared to accept any contrary evidence. The upshot of Hägerström's attitude is to debase reason, and his situation is different from the patient's situation, since Hägerström after all is a professor responsible for the education of pupils, where he conceives himself in the role of the doctor of the human soul. The consequences of his attitude are then by no means to be ignored.

There is then no room in Hägerström's philosophy for the world of man's changing feelings and volitions. They are unreal or illusions in contrast to the real world of thought, which does not change. Since feelings and volitions do occur, they must be arrested or at least planned and controlled. The obvious question is then, planned and controlled by whom? And Hägerström's answer is Plato's answer: by the philosophers who have rational insight into the logical structure of the world and possess the truth. Then we have Swedish Legal Realism with a vengeance. It is time for a counter-revolution. I wish to stress that the revolution is needed, not because Hägerström's thesis has dangerous consequences for life in society; it has indeed, but that it is beside the point. I side with Hume who says "when any opinion leads us into absurdities, 'tis certainly false; but 'tis not certain an opinion is false, because 'tis of dangerous consequence".²⁸²⁾

The revolt should then be directed against Hägerström's ontological thesis, since if we adopt this, we are led into absurdities. The absurdities are Hägerström's thesis that all reality is logical, i.e. all events are causally and necessarily determined, which leads to the view that therefore nothing is contingent. All change in nature or in society is contradictory, and therefore it does not exist. Hägerström's thesis may be characterized as static monism, i.e. the world is eternally the same. This is Hägerström's

282) Hume, A Treatise of Human Nature, Book II, Part III, Sec. II, p.409.

insight, and it is only delusion on our part, which makes us suppose that reality is not timelessly realized. For Hägerström progress consists in the removal of this common delusion, which leads people into forgetting their place in society and nature. I think that it is rather Hägerström who suffers from a delusion that everything is fettered by the law of contradiction to taking the course it does.²⁸³⁾

Hägerström fails to realize that only conclusions can be logically inevitable, given the premises, and a revolt is not a conclusion. We are not all absolutely and logically powerless, and should revolt against taking the false step of accepting Hägerström's ontological thesis which denies us this power.

7. Hägerström's Philosophical Method

Hägerström has a sincere belief in his mission in life, cf. above Chapter I, p. 21 f. He has a sincere belief in philosophy, rather than religion, as the foundation for "the ascertainment of the place which Man occupies in nature and of his relations to the universe of things", to use a phrase from T.H. Huxley.²⁸⁴⁾ He has also a sincere belief in his own philosophy as the only foundation for genuine knowledge of reality.

Thus, Hägerström's mission is defined and determined by its end, i.e. to correct and improve human understanding by stressing the primacy of man's reason or thinking as opposed to man's passions, his feelings and volitions. This is, I suggest, important for understanding Hägerström's philosophy. His whole philosophical effort is determined by the aim of initiating a rational and radical revolt against irrationalism exemplified in theories which make will prior to or superior to reason.

Hägerström is reacting against voluntarism, expounded for example by Arthur Schopenhauer, for whom the real is

283) Cf. Gilbert Ryle, *Dilemmas*, Cambridge 1954, Ch. I, especially p. 22 f.

284) T.H. Huxley, *Man's Place in Nature and Other Essays*, London 1910, p. 52. - Cf. above Ch. II, p. 43.

regarded as the embodiment of man's will.²⁸⁵⁾ For Schopenhauer, the proper task of philosophy lies in removing the veil of deception that reality is the incarnation of rational order and setting the truth in a clear light, viz.: that reality has the character of an endless, and in the last analysis meaningless, struggle for existence, in which all is stress, conflict and tension.

Hägerström shares Schopenhauer's conception that the task of philosophy lies in removing the veil of deception and setting the truth in a clear light. But Hägerström parts company with Schopenhauer and stresses that the truth is just the opposite. The truth is that reality has the character of an ordered logical structure. The stress, conflict and tension among human beings can be explained as a result of their failure to realize this. The sickness of the human mind consists in man's self-consciousness. As Hägerström says

"every stage of natural thought is infected by immediate self-consciousness, which is constantly, so to speak, throwing sand in our eyes, and preventing us from seeing reality clearly".²⁸⁶⁾

This resembles Berkeley who writes

"upon the whole, I am inclined to think that the far greater part, if not all, of those difficulties which have hitherto aroused philosophers, and blocked up the way to knowledge are entirely owing to ourselves - that we have first raised a dust, and then complain we cannot see".²⁸⁷⁾

For Berkeley, what blocks up the way to knowledge is the idea of matter, which is either a contradictory or an unintelligible idea. For Hägerström, what blocks up the way to knowledge is by contrast the idea of spirit or self-consciousness, which is either a contradictory or an unintelligible idea.

To realize this it is necessary to take account of

285) Hägerström does not, at least to my knowledge, refer explicitly to Schopenhauer, but no doubt he is one target for Hägerström's revolt. For my remarks on Schopenhauer, I am indebted to Patrick Gardiner's article on Schopenhauer in *The Encyclopedia of Philosophy* (Edt. Paul Edwards) vol. 7, p. 325 ff.

286) Hägerström, PR p. 296.

287) Berkeley, *Introduction to the Principles*, § 3, Selections p. 9.

the facts of self-consciousness. From one point of view I am a body that occupies space, endures through time, and causally responds to stimuli. From another point of view I am spirit, a self-moving active being, whose overt perceptible behaviour directly expresses my will. Hägerström holds the former view, Schopenhauer holds the latter view.

The former view is presented as the true view, since the latter view "is absurd from the logical point of view".²⁸⁸⁾ From a logical point of view everything is what it is as the consequence of necessary laws, which operate independently of human will. To understand man's place in nature and society is to exhibit his behaviour from laws of nature. The soundness of man's mind, its essence, consists in thinking, which discovers that human beings are but material objects, which like other objects are spatially and temporally ordered and stand in determinate and necessary causal relations with one another.

This is for Hägerström the truth. He invites us to follow the way of thinking as the only sure path of knowledge as opposed to the wrong way of wishful thinking, which leads to ignorance, superstition, and magic. From Hägerström's logical point of view, thinking or reason is the harmonizing force in nature as well as in society. He concurs with Spinoza: "In so far only as men live in obedience to reason, do they always agree in nature".²⁸⁹⁾ Truth makes itself manifest to an unprejudiced mind, and needs no other sign than that of an adequate idea in the world of thought which is necessarily the same as its correlate in the world of reality.

Hägerström also concurs with Søren Kierkegaard's dictum that "Christianity does not unite men, on the contrary, it separates them - in order to unite each single person with God".²⁹⁰⁾

288) Hägerström, PR p. 234.

289) Spinoza, Ethics, Part IV, Prop. XXXV, p. 209.

290) Quoted from Passmore, The Perfectibility of Man, p. 252. - Hägerström admires Kierkegaard. He became immersed in Kierkegaard's thought around 1898 and "almost thought of nobody else". Letter of December 1898 to his parents, Waller p. 124 (my translation).

Indeed, for Hägerström the proper function of man's reason has been corrupted by Christian theologians who elevate feeling above reason. Reason is for Hägerström what Grace is to the Christian. He upholds the sovereignty of reason in nature, in society and in human beings as parts of nature and society, and in this respect he can be classified as a successor to the "philosophes" of the Enlightenment. Hägerström further believes that the proper function of man's reason has been corrupted by contemporary philosophers and scientists who stress that the basis and origin of all scientific knowledge is sense-experience.

This approach implies that nothing is real except the perceptions of individuals, and leads to the position of Ernst Mach that all science is ultimately an economic adaptation of our ideas to our perceptions. Mach wishes to eliminate metaphysics, to take away the magic of things, from the conduct of life.²⁹¹⁾

Hägerström holds to the entirely antithetical position that Mach's view is a piece of metaphysics, since it eliminates the concepts of space, time and causality. For Hägerström the basic aim of science is the discovery of a fixed world picture independent of the variation of time and people. The correct path is not man's sense-experiences, which are always changing, but man's reason which is always constant and competent to disclose the real nature of objects.

Hägerström is also opposed to the view that concepts and scientific laws are nothing but free creations of the human mind, which can be neither true nor false, but may be convenient or inconvenient. This approach, made popular by Henri Poincaré, makes scientific language into a language which scientists deliberately construct in order to talk about the way things are. This is a piece of metaphysics according to Hägerström, since it ignores that concepts and

291) Cf. Passmore, *A Hundred Years of Philosophy*, p. 320 f.; for Henri Poincaré mentioned in the text, *ibid.* p. 326 f. Hägerström does not mention Poincaré by name.

scientific laws are logical constraints forced upon the human mind as part of the world and its inherent logical structure.

For Hägerström, then, what is crucial to the understanding of reality is neither will nor sensations, but thinking or reason. For Hägerström reason stands in contrast to faith as well as experience. What human beings can achieve by reason is taken to embrace the entire field of knowledge, since reason guarantees certainty. What holds for reason is "necessarily and universally valid" to speak with Kant.²⁹²⁾ In contrast to Kant, reason does not make the order, but it finds the order. Reason or scientific thinking reveals the real nature of objects as opposed to the illusions and mirages of wishful thinking dominated by feeling and volition.

What is crucial for understanding Hägerström's position is that his way of thinking is determined by the Platonic and Aristotelian view of the conceptual primacy of the end or goal. The end or goal needs to be known in order to understand anything. The question then is what is the end or goal of Hägerström? The answer is that Hägerström's supreme end is order. This aim is, in turn, the foundation for his more specific aims, which are the typical basic aims of the rationalist philosophers, as e.g. G.W. Leibniz and B. Spinoza.²⁹³⁾

Hägerström's specific aims, then, can be classified as follows:

- a) to discover the truth about man and nature,
- b) to promote personal happiness,
- c) to achieve social harmony.

These three aims do not require the idea of certainty, which Hägerström holds is the criterion of genuine knowledge which

292) Kant, Critique of Pure Reason, p. B 140 (p. 158).

293) Cf. William Berkson, Skeptical Rationalism, Inquiry, vol. 22, 1979, p. 281-320, cf. below note 320. I have already referred to the great similarity between Hägerström and Spinoza, cf. above Ch. I, p.2 f. and this ch. p.118 f. As for Leibniz it is worth noticing that Hägerström also holds that the world is a harmonious order, although Hägerström discards that God is the author of the pre-established harmony.

is so vital, in a quite literal sense, for human beings. There is, therefore, yet an aim, viz.

- d) to have a rational method to force agreement amongst contending parties.

Hägerström has the rational method, and this is the reason for his bitter criticism of all other philosophers. What they say "is nothing but a combination of words, concerning whose character the metaphysician knows nothing".²⁹⁴⁾

Like Plato, Hägerström thinks that a necessary condition of knowledge is the ability to give a rational account of one's beliefs concerning objects. To give a rational account of one's beliefs concerning objects is, in turn, for Hägerström to discover the causes of the object and the causes of the object and the laws by which the occurrence of the object can be adequately explained as a necessary link in the infinite chain of causes.

This is the basis for Hägerström's claim that ordinary human people suffer from confusions and illusions, because they are ignorant of the causes of objects. When people do not know the cause of something, e.g. the evils in the world, they offer explanations in terms of inexplicable acts of will, e.g. the will of God or the will of man. This is inadequate just as it is inadequate to explain the fall of a stone from a roof as the result of God's will.

For Hägerström as for Ludwig Wittgenstein the purpose of philosophy consists in "curing philosophical thought of the madness which besets it".²⁹⁵⁾ In this respect they are followers of Schopenhauer. So there is nothing revolutionary about Hägerström's philosophy in this respect.²⁹⁶⁾ The true purpose of philosophy for Kant is "to expose the illusions

294) Hägerström, PR p. 60 - compare Plato's statement that poets, like oracles, say "many fine things, but know none of the things they say" (Apologia, 22 c). Quoted from J. Hintikka, Knowledge and the Known, Dordrecht 1974, p. 36.

295) P.M.S. Hacker, Insight and Illusion, Oxford 1972, p. 116 with references; Hacker also discusses the relation between Wittgenstein and Schopenhauer, see index.

296) But see N.E. Simmonds, The Legal Philosophy of Axel Hägerström, The Juridical Review, 1976, p. 210.

of a reason that forgets its limits".²⁹⁷⁾ Reason prevents errors, and

"this gives it dignity and authority, through that censorship which secures general order and harmony, and indeed the well-being of the scientific commonwealth, preventing those who labour courageously and fruitfully on its behalf from losing sight of the supreme end, the happiness of all mankind".

Kant's therapeutic method is the critique of pure reason. Wittgenstein's therapeutic method is the critique of language. The result of Kant's critique of pure reason is that Kant "found it necessary to deny knowledge, in order to make room for faith". Hägerström does not accept that it is necessary to make room for faith, which implies God, freedom, and immortality. It is faith which is the source of wars against reason which is omniscient, cf. above p. 137. The result of Wittgenstein's critique of language reaches a far more radical conclusion than does Kant's: "knowledge is denied to make room for silence".²⁹⁸⁾

I do not know whether Hägerström is familiar with Wittgenstein's philosophy. But he does not accept Wittgenstein's conclusion, since it is ridiculous to set out to cure people by being silent. And Hägerström rejects Wittgenstein's dictum "I am the centre of the world" as a version of extreme voluntarism, which is the root of evil and disorder in the world. The result of Hägerström's philosophy is rather to affirm knowledge in order to make room for practice, i.e. curing people by preaching the scientific gospel that reality is orderly and on its way to the supreme end, the happiness of all mankind. As Hägerström claims "one can definitely observe a development towards universality in moral ideas. That is, that mode of action is good which is demanded by the well-being of the whole race".²⁹⁹⁾

Thus, Hägerström's programme for his therapeutic mission is rather the Platonic view: "He will restore us to

297) Kant, Critique of Pure Reason, p. B 763 (p. 591); the following quotations are from p. B 879 (p. 665), and p. B xxx (p. 29).

298) Cf. Hacker, Insight and Illusion, p. 26. The following quotation is from p. 82, cf. 204.

299) Hägerström, PR p. 303.

our original nature, and heal us, and make us happy and blessed".³⁰⁰⁾ Although strongly opposed to the doctrines of voluntarism, Hägerström has a sincere belief in his own uniqueness and mission as a leader and healer of the sick human soul. The difference is that Hägerström, as a philosopher, is a lover of truth and reality, whose thoughts are fixed on true reality, and thus he is able to see more clearly than anybody else what is happening to society if passions, rather than reason, govern. Thus, Hägerström sets out to act, in Friedrich Nietzsche's phrase, as "a physician of culture".³⁰¹⁾ Hägerström has freed himself from the distorting influences of feelings and volitions and his capacity as a physician of culture lies precisely in the soundness of his thinking, which is capable of discovering things objectively. All his judgements are detached from the various aims, feelings and volitions that accompany the ordinary consciousness and blind their understanding of reality. As a consequence his judgements are disinterested and solely concerned with curing the human mind.

Thought must move along fixed lines, otherwise we would have, in Gottlob Frege's words, a "hitherto unknown type of madness".³⁰²⁾ This is also Hägerström's approach, although I do not know whether Hägerström has read Frege.³⁰³⁾ But Hägerström fully agrees that the structure of thought must be grasped in its entirety, here piecemeal methods of science are inapplicable, and any error will affect everything else. Frege's endeavour is to displace epistemology from the centre of philosophy and put logic in the centre as prior to all other parts of philosophy.

300) Plato, Symposium 193d, quoted from Popper, *The Open Society and its Enemies*, vol. I, p. 169, cf. Plato, *The Republic*, Ch. XXII (VI 497A-502C).

301) Quoted from Passmore, *A Hundred Years of Philosophy*, p. 99. - Hägerström also admires Nietzsche, cf. above Ch. I, p. 14.

302) Quoted from Hacker, *Insight and Illusion*, p. 136, p. 36 and p. 5 for the quotations later in the text.

303) Hägerström does not refer to Frege in any of his writings I have read. Nor has anyone before suggested a relation between Frege and Hägerström. Knowing Hägerström's interest in mathematics, cf. above Ch. I, p. 8, it is perhaps likely that he has studied Frege.

Hägerström's endeavour implies that epistemology is no longer in the centre of philosophy once Hägerström's basic principles have been accepted. In a way Frege's principle of purity: "always to separate sharply the psychological from the logical, the subjective from the objective" is also Hägerström's principle of purity. Hägerström's principle of purity is to free thought from its foreign elements, viz. feelings and volitions. This principle is based upon Hägerström's epistemology and ontology.

Knowledge for Hägerström is an infallible apprehension of objects in the world expressed in judgements which are necessarily true, and being necessarily true these judgements are also universal and eternal. These characteristics of judgements can only be obtained if they are found in the objects judged about. Consequently objects must, to be real, share the same characteristics, i.e. objects must be determinate and not subject to change. The world which is known must be a system that is rational and necessary. If it is such a system, then it must be the only system, since any other assumption must infallibly lead to contradiction. That there is, in fact, only one system, i.e. the world, of which the thinking man is a part, is discovered by an intellectual intuition.

Thus, Hägerström's method is what Popper calls the method of essentialism, which Popper traces back to Plato and Aristotle.³⁰⁴⁾ This method states that the task of the philosopher is to discover and describe the true nature of things with the help of intellectual intuition. By an act of intellectual intuition, the philosopher comes into contact with the essence of the object and thus has genuine knowledge. Hägerström is, of course, a philosopher whose passion is to see the truth as revealed by an act of intellectual intuition, resulting in knowledge which corresponds to the real as opposed to the unreal or imaginary. Hägerström has direct access to the true, unchanging reality of genuine concepts, as distinct from the common

304) Cf. Popper, *The Open Society and its Enemies*, vol. I, p. 31 f., vol. II, Ch. 11.

world of changing opinions of ordinary human beings. This is precisely the reason why he is in a position to offer the final account of received opinions and their misunderstandings. The key to the knowledge of human misunderstandings is history, since thought in the proper sense has no history.

If we talk of knowledge as a discovery of objects, I think it is vital to notice that Hägerström's conception is that this is a discovery in the sense of revealing the existence of given objects or concepts in their interrelationship with other objects or concepts. For Hägerström discovery does not imply that knowledge creates or invents objects or concepts, which is something arbitrary as opposed to discovery in the first sense which is something fixed. Knowledge implies order expressed in judgements which state everything that can be truly affirmed of an object. To know anything properly one must know everything about it, in effect everything whatever. This is Hägerström's conception of a sound mind as opposed to an unsound, i.e. confused, mind. For a confused mind it is enough to be capable of recognizing and identifying an object without reflecting upon the concepts it uses and without recognizing the coherent structure of concepts revealing the coherent and intelligible order in nature and society. A sound mind, by contrast, has reflected and recognized that thought itself reveals the eternal structure of necessary relations in the world, which is grasped by an intellectual intuition where knowledge is defined as reality.

Thus, Hägerström parts company with the tradition that man's knowledge is maker's knowledge which can be traced back to Plato and Aristotle.³⁰⁵⁾ The assumption is that only the maker of a complex mechanism knows it, because only he can know its purpose. Hence the indispensability of the glory of god for some philosophers since the world, conceived as an infinite and complex mechanism, implies an omniscient mind, viz. God's mind. For other philosophers

305) Cf. Hintikka, *Knowledge and the Known*, especially Ch. IV.

it is rather the glory of man which is stressed, since man is able to discover the laws of motion which govern nature as well as society. For the Marxists, for example, man's knowledge is maker's knowledge, since man is a tool-making and tool-using animal, and society is a necessary outcome of this activity. Man's knowledge of nature and society is proved to be true knowledge by human practice which makes it serve men's purposes.³⁰⁶⁾

It is the Aristotelean idea that the essence or defining characteristics of any object is its particular function. Once you know the true function of an object, then you can work backwards to the means of bringing it about. That genuine knowledge is maker's knowledge is also stressed by Francis Bacon, advancing knowledge as power. It is also the position of Thomas Hobbes and his notion of science based upon geometry. Hobbes says that "it is because of this fact (that is, that we ourselves create the figures), it happens that geometry hath been and is demonstrable".³⁰⁷⁾ Hence Hobbes' call is for a science of politics and ethics based upon geometry.

Kant also teaches that "reason has insight only into that which it produces after a plan of its own ... constraining nature to give answers to reason's own determining."³⁰⁸⁾ Kant's result is well-known. It is because the human mind imposes order, that there is order in the world. For Hägerström, by contrast, the order is given, not imposed; human thinking is passive, not active. And Hägerström is, among all human beings, the omniscient mind, who knows that the world is a coherent rational system. It is only because of the fact that scientific language is riddled with confusions that human beings fail to realize this. Language is not of man's making. Hägerström is opposed to theories which stress that man makes meaning. The meaning of words is given, not

306) Cf. Lenin, *Materialism and Empiro-Criticism*, p. 101.

307) Thomas Hobbes, *Man and Citizen* (edt. B. Gert), London 1972, p. 42 (*De Cive*, Ch. X). Cf. *Leviathan* (Edt. C.B. MacPherson) Harmondsworth 1974, Part IV, Ch. 46, p. 682.

308) Kant, *Critique of Pure Reason*, p. B XIII, (p. 20).

imposed. The root of error is to be found in language. As Hobbes writes

"man, alone among the animals, ... can create general rules for himself in the art of living just as in the other arts; and so he alone can devise errors and pass them on for the use of others. Therefore man errs more wildly and dangerously than can other animals."³⁰⁹⁾

Hägerström claims to be able to detect the errors and inconsistencies in the theories of other philosophers. But he does not always show a comparable critical acumen with regard to his own ideas, as I shall try to show in what follows.

For Hägerström the aim of philosophy is determined by its purpose. The purpose of philosophy is on the one hand to further "the social, true instincts which generally sustain society without which the race could not continue as the master of nature, making use of it for its service".³¹⁰⁾ On the other hand the aim is to "counteract the antisocial forces which destroy community and solidarity".

In a world which is governed by necessary laws it becomes a mystery why ordinary people can fail to realize this. Hägerström is faced with a problem of explaining human illusions and superstition. It is akin to the similar problem for the theologian of explaining the existence of moral evil in a providentially governed world. For the theologian the problem is how man can be at one and the same time an image of God and corrupt. For Hägerström the problem is how man can be both a part of nature and corrupt in the sense of failing to see things as they are. If Hägerström insists that man is a "particle of perfection" (to use a religious phrase) then the inference is that he has no need to strive for knowledge. This natural inference must be resisted, Hägerström stresses. If Hägerström then insists that man constantly goes astray, then the inference is that the perfection or logical order of the world as a whole is threatened.

309) Hobbes, *Man and Citizen*, p. 40 (De Cive, Ch. X).

310) Cf. Hägerström, PR p. 303 for this quotation and the next one.

Hägerström's way out of these problems is that there is, in the words of C.D. Broad,

"both need and room for a science which shall try to analyse and define the concepts which are used in daily life and in the special sciences. There is need for it, because these concepts really are obscure, and because their obscurity really does lead to difficulties. And there is room for it, because, whilst all the special sciences *use* these concepts, none of them is *about* these concepts as such."³¹¹⁾

This is a very apt description of Hägerström's philosophy as a science based upon the method of essentialism.

Hägerström's diagnosis of the mystery is that the human mind is not corrupted by original sin, as the theologians hold, nor by his physical environment, the economic system, as the Marxists hold. The mystery is rooted in the nature of man's existence in the world, where the human mind is split between reason or thinking on the one hand, and its self-consciousness, i.e. feeling and volition, on the other hand.

Hägerström's prescription is to free the human mind, the essence of which is thinking, from its foreign elements, which are feelings and volitions.

For Hägerström, as for Frege, ordinary language is riddled with confusions. Ordinary thought is, as Frege remarks "enslaved by the tyranny of words". This is also Hägerström's opinion, and his call is "to pierce through the mist of words which has arisen out of feelings and associations and to proceed from sounds to things".³¹²⁾

The question is what Hägerström means by the phrase "from sounds to things", since Hägerström declares that "certain 'concepts' in the ordinary consciousness - the 'concepts' of *thing*, motion, and power - reappear in modern natural science. But these are nothing but words whose character has not been carefully considered".³¹³⁾

If we carefully consider the concept of thing, Häger-

311) C.D. Broad, *Critical and Speculative Philosophy*, in *Contemporary British Philosophy* (Edt. J.H. Muirhead), 1st Series, London 1924, p. 77 ff., at p. 83.

312) Hägerström, PR p. 74.

313) Hägerström, PR p. 301 (my italics). The following quotation is from the same page.

ström's conclusion is that this analysis shows that the concept "dissolves into words without thought". If the concept of thing is equivalent to the concept of material substance, then Hägerström's conclusion is just Berkeley's conclusion. The consequence is that Hägerström after all sides with the thesis of idealism, that objects are collections of sense-experiences. For Hägerström words without thought are equivalent to nothing but sounds. If this is so, then the concept of things reappears in Hägerström's philosophy. Does it follow then that Hägerström's call is to be understood as meaning that we must proceed from sounds to words without thoughts, i.e. other sounds?

This is hardly to be considered a great step forward, since to replace sounds with other sounds is not a clarification of concepts, nor does it eliminate misunderstandings. Is it Hägerström's contention that philosophy, as Ludwig Wittgenstein claims, leaves everything as it is? Wittgenstein advances, in his later philosophy, the thesis that

"philosophy may in no way interfere with the actual use of language; it can in the end only describe it. For it cannot give it any foundation either. It leaves everything as it is."³¹⁴)

Since Hägerström's claim is to initiate a revolt in philosophy, i.e. to restore the ordinary and scientific consciousness to soundness, it is misleading, to say the least, to claim that his philosophy leaves everything as it is. Or else it implies that Hägerström's efforts have been in vain. This is certainly not Hägerström's opinion. After all, his philosophy provides the only possible foundation for knowledge of reality which in turn is the basis for his therapeutic activity. Since thinking is a passive affair this involves Hägerström in a problem of explaining why his will is to be decisive. He also faces another problem concerning his epistemology. Hägerström relies upon the law of

314) Ludwig Wittgenstein, *Philosophical Investigations* (transl. and coll. by G.E.M. Anscombe), Oxford 1968, § 124, cf. the commentary by Hacker, *Insight and Illusion*, p. 124 f.

contradiction. To ask for a demonstration of the law of contradiction betrays a lack of training in logic, since it is the very principle of proof. In this respect Hägerström simply follows Aristotle. Since Hägerström also holds that the law of contradiction applies to objects in the world, it betrays a similar lack of training to ask for a demonstration of objects in the world being by necessity as they are. As Hägerström writes "reality itself cannot be determined through any other thing".³¹⁵⁾ Since Hägerström equates "reality" with "knowledge", it follows that knowledge itself cannot be determined through any other thing. Hägerström's conclusion is that knowledge is knowledge. This is, of course, a truism. The corollary is that knowledge is simple, ultimate and indefinable. Any attempt to justify knowledge turns out to be circular. In this respect Hägerström's view is akin to the Oxford philosophy of John Cook Wilson.³¹⁶⁾

If this is Hägerström's considered opinion, i.e. that knowledge cannot be justified, then his "most important book", to use his own phrase, *Das Prinzip der Wissenschaft*, rests upon the logical mistake of attempting the impossible. Hägerström is engaged in establishing a foundation for knowledge, which is not logically possible, according to his own doctrine. Hägerström's philosophy must then be rejected. As a rationalist Hägerström must follow the argument to its logical conclusion, and the logical conclusion is that it rests upon a mistake, asking questions which cannot be legitimately put forward, since they admit of no informative answers.

This is, not needless to say, Hägerström's position. But it is instructive for an understanding of his method. His dictum, mentioned above, to proceed from sounds to things, is understandable in the light of Hägerström's epistemology and ontology. He has established that his

315) Hägerström, PR p. 50.

316) Cf. Passmore, *A Hundred Years of Philosophy*, Ch. 10, Cook Wilson and Oxford Philosophy. I do not know whether Hägerström is familiar with the writings of Cook Wilson, but certainly Hägerström is familiar with Aristotle.

mind is sound, therefore back to reality and improve man's confused mind. Hägerström's dictum is, incidentally, akin to the motto of Edmund Husserl. His motto "zu den Sachen selbst" for his scientific philosophy of phenomenology.³¹⁷⁾ Husserl's call is not a demand for realism, i.e. to consider things independent of consciousness, since the things at stake are acts of consciousness and the objective entities that get constituted in these various acts which Husserl calls phenomena. What is meant by Husserl's call is the taking of a fresh approach to concretely experienced phenomena free from conceptual presuppositions, and the attempt to describe these phenomena on the basis of a careful study of concrete examples supplied by experience and intellectual intuition of essences. Thus, Husserl's method of phenomenology is the method of essentialism.³¹⁸⁾ This is also Hägerström's method when he proceeds from sounds to things. The things in question for Hägerström are human acts of consciousness.

At the centre of Hägerström's philosophy is the problem of giving a scientific account of the natural history of the human mind and its sickness. Thinking is objective and impersonal, genuine concepts are objective, awaiting discovery. There can be no history of genuine concepts, but there can be an empirical history of human errors. Thus, Hägerström turns philosophy into a genetic account of how human beings come to entertain erroneous views concerning knowledge and reality. Thus, Hägerström advances psychologism as the proper way of doing philosophical analysis. This is, of course, in complete contrast to Frege, and Bernard Russell, and the followers of the movement known as logical atomism.³¹⁹⁾ They also take "a logical point of view" and their cure of confusion of man's mind lies in the construction of an ideal language of logical notation.

317) For Husserl's philosophy, I am indebted to Passmore, *A Hundred Years of Philosophy*, p. 185 ff., cf. above Ch. II, p. 72.

318) Cf. Popper, *The Open Society and its Enemies*, vol. I, p. 216.

319) Cf. J.O. Urmson, *Philosophical Analysis*, Oxford 1956 for an outline.

From his "logical point of view" Hägerström does not set out to construct an ideal language. Why is this so? After all, Hägerström is a rationalist who is convinced that the process of logical argument is the only way to restore man's soundness.

The construction of an ideal language also fits with Hägerström's basic aims mentioned above p. 204. Once we have the proper logical language to argue in, then we can completely avoid quarrels. This is the position of Leibniz and of the philosophers of the Enlightenment who claim that men's wild errors about nature and society will finally disappear once we have the ideal language to express the truth.³²⁰⁾ It is a similar idea Jeremy Bentham has in mind with his calculus of the values of the pains and pleasures, and his efforts to construct a proper legal terminology.³²¹⁾

It is interesting to notice that in this respect Hägerström shares Cook Wilson's hostility to symbolic logic.

My question is why Hägerström is so hostile, since he shares the aims of the philosophers of the Enlightenment? I suggest that the explanation for Hägerström's lack of interest is that a construction of an ideal language is a case of discovery. It is discovery in the sense of invention in contrast with discovery in the sense of revelation. Invention implies for Hägerström bringing something new into existence through the exercise of the imagination. This is perhaps suitable for a poet, but not proper for a stern philosopher who rejects feelings, and clings to thought. If this is right, then Hägerström totally misunderstands scientific thinking, and his objection to an ideal language fails to convince.

Another reason for Hägerström's lack of interest in an ideal language, or indeed lack of interest in replacing ordinary concepts with more proper and scientific concepts, cf. above Sec.5 p.178 ff. is perhaps that Hägerström has rea-

320) Cf. Passmore, *The Perfectibility of Man*, p. 202 f., cf. p. 272 f., and the article by Berkson mentioned above in note .

321) Cf. Jeremy Bentham, *Of Laws in General* (Edt. H.L.A. Hart) London 1970.

lized that an ideal language is a hopeless undertaking anyway, not suitable for everyday purposes, and this holds also for the replacement of ordinary concepts with scientific concepts. If it is hopeless, the rational person does not engage himself in such business. And suppose such replacement is possible after all, then it can only direct attention away from the problematic aspects of our ordinary concepts by focusing on their unproblematic aspects.³²²⁾

There is nothing to be gained by such analysis, since it engages thinking people into construction and contemplation of an ideal world, whereas genuinely thinking people are concerned with the real world.

If this is Hägerström's reason, then it seems to me that he begs the question. The philosophers concerned with ideal languages or replacement of concepts are offering implicit proposals for the reform of scientific or philosophical language, and this may very well turn out to be fruitful for further inquiries, scientific or philosophical. Hägerström cannot rule out this possibility a priori, by denying other philosophers the right to use a technical vocabulary. But it is important to notice that this is a dividing line among Scandinavian realists. The approach by Hägerström and Olivecrona holds firmly to customary meanings as the basis for analysis, whereas the approach by Lundstedt and Alf Ross is that we can freely stipulate new meanings.

Hägerström's second reason is perhaps linked with a third, and decisive reason against the construction of an ideal language. This third reason is the point made by Spinoza, that an emotion can only be checked or removed by an emotion contrary to itself, and possessing more power in restraining emotion, to which Hägerström subscribes.³²³⁾

One way to check an emotion by another emotion is not to interfere with the actual use of ordinary language, to

322) Perhaps Hägerström falls back on Kant, cf. *Critique of Pure Reason*, p. B 745 f. (p. 579 f.) and p. B 763 f. (p. 590 f.).

323) Cf. Spinoza, *Ethics*, Part IV, Prop. LXIX, p. 233, and Hägerström, *Rätten och Staten*, p. 252, Hägerström, however, does not mention Spinoza.

quote Wittgenstein. An ideal language does not serve this purpose. A much better way to check the emotions of ordinary people expressed in ordinary language is to use ordinary language to deter these emotions. Hägerström's point is that you persuade ordinary people into believing that when they use ordinary language they talk nonsense. By contrast when you (i.e. Hägerström) use ordinary language you talk sense, since you know how things are and have stripped off "the irrelevant accretions which veil the thought from the eyes of the ordinary mind".³²⁴⁾ Thus, to take an example, the notion of having rights: it is an absurd idea to say that people have the right to govern themselves, Hägerström claims.³²⁵⁾ The reason why this is an absurd idea is that reality is devoid of values. Thus, it is meaningless to talk of rights, but instead of abandoning the notion completely, Hägerström follows Berkeley's advice that "we ought to think with the learned and speak with the vulgar".³²⁶⁾

Marx claims that the weapon of criticism certainly cannot replace the criticism of weapons, material force must be overthrown by material force.³²⁷⁾ Hägerström knows better, since the weapon of his criticism, i.e. his use of ordinary language, is capable of forcing agreement among people without using force.

It is easier to change people's minds, far more difficult is it to change the material forces of production. The facts of reality cannot be changed by being classified as negative or positive, evil or good. But people's attitudes to the given facts of reality can be changed. This is what matters. An ideal language is not suitable for achieving this purpose, but the manipulation of ordinary language is. Reason can combat passion by using the medium of ordinary language. This is Hägerström's solution to

324) Cf. Frege, quoted in Hacker, *Insight and Illusion*, p. 35.

325) Hägerström, *Rätten och Staten*, p. 153.

326) Berkeley, *Objections to the Principles*, § 51, *Selections* p. 69.

327) Karl Marx, *Critique of Hegel's Philosophy of Right* (transl. by Annette Jolin and (also ed.) Joseph O'Mally), Cambridge 1977, p. 137, the quotation later in the text is found at this page as well.

counteract solipsism or egoism, which is private and selfish as opposed to ordinary language which is public and in the common interest of people.³²⁸⁾ In this way it is possible to realize, in a peaceful way, the aims listed above.

Thus, Hägerström stresses, in an Aristotelean fashion, the importance of ordinary language. This is also the approach of Cook Wilson and his Oxford Philosophy, and also a characteristics of the contemporary movement known as Oxford Philosophy, i.e. the appeal to ordinary language.³²⁹⁾ The aim for these philosophers is the avoidance of being misled by language. The aim is not the discovery of the logical concatenation of facts or the structure of language, as is the aim for the logical atomist. Nor is the meaning of a statement the method of its verification, as the logical positivists hold. Rather, with Wittgenstein, the slogan is "Don't ask for the meaning, ask for the use". This is not Hägerström's approach. He says he is engaged in a conceptual analysis. The truth is that he is rather offering an empirical account of the causes of why people are misled by language.

In contrast to Marx the sickness of the human mind is not due to man's social conditions, but the sickness is inherent in man's "soul-life", to use Hägerström's own phrase. For Hägerström,

"the history of civilized man ... cannot be explained by reference to any particular temporal circumstances, but must be explained directly by reference to the human soul-life".³³⁰⁾

This contention is central for the understanding of his whole philosophy. It expresses, at one and the same time, a methodological principle and an empirical claim.

As a methodological principle it turns philosophy into

328) My guess is that Hägerström equates solipsism with egoism, a) epistemologically, b) ontologically, and c) morally, cf. Reid, *Essays in the Intellectual Powers of Man*, p. 138 f., 179 f., 199, and p. 680 for a) and b), and for c) Kant, *Anthropologie*, in *Werke*, Band 10, Darmstadt 1970, § 2 p. 408.

329) Cf. Urmson, *Philosophical Analysis*, p. 163 ff., especially p. 167 and p. 179 for the aim mentioned in the text.

330) Hägerström, PR p. 210.

a genetic or historical inquiry into the origin of man's confused ideas. As an empirical claim it offers an explanation how man is led astray by his feelings and volitions. According to the laws of association Hägerström uses the analytic method of reasoning from effect to cause. The effect, i.e. that man's ordinary thinking is erroneous, is given as a fact. We have to look for the cause, which is found in man's feelings or volitions. This, in short, is the structure of Hägerström's reasoning.

It is the origin of ideas which matters. This explains why Hägerström's writings abound with discussion of ideas in the minds of people. This puts Hägerström in the British philosophical tradition of Locke, Berkeley and Hume.³³¹⁾ Hägerström cannot, then, claim to initiate a revolution, since Hume already makes the claim to "introduce the experimental method of reasoning into moral subjects".³³²⁾ Whereas Hume points to experience and observation, Hägerström relies on his intellectual intuition. His point is that man's thinking is often perverted by feelings and volitions. There is nothing revolutionary in this diagnosis.

It forms the subject-matter for Francis Bacon's famous theory of the idols of the mind, and it is Thomas Reid's plea for a nosology of the human understanding.³³³⁾

What Hägerström offers, as his discovery, is that he has purified his own thinking from feelings and volitions. I am not quite sure whether Hägerström follows Auguste Comte and believes that human thinking goes through three stages: the theological, the metaphysical, and the positive. This idea can also be found in Sir James Frazer's "The Golden Bough", which Hägerström had studied and used as evidence for his own theory.³³⁴⁾

331) Perhaps Hägerström is influenced by the German philosopher F.A. Lange and his *History of Materialism*.

332) Hume's subtitle to *Treatise of Human Nature*, and see Hume's remarks in his preface, especially p. XIII and p. XVI.

333) Cf. the discussion by Reid, *Essays on the Intellectual Powers of Man*, Essay VI, Ch. VIII, p. 691 ff.

334) See Hägerström, PR p. 238 f., cf. Olivecrona in Hägerström INLM, p. XVIII, and for criticism Geoffrey MacCormack, Hägerström's *Magical Interpretation of Roman Law*, *The Irish Jurist* 1969, p.153 ff.

What I do know is that Hägerström is convinced that he has arrived at "the positive stage" of perfect knowledge, where "the concept of reality" prevails and governs man's thinking in contrast to the distorting feelings and volitions governed by the "concept of pleasure".³³⁵⁾ Thus Hägerström's mind is a sound mind directed at the things themselves, i.e. exposing the illusions which are deeply engrained in the ordinary human soul. The basis for Hägerström is his capacity of possessing the final truth about the mechanism of the human mind. Philosophy is, then, to sum up, a doctrine as well as an activity. It is a doctrine of scientific judgements concerning the human mind which forms the basis for the scientific activity of improving the ordinary as well as the scientific consciousness. A comparison with Wittgenstein is illuminating. For Wittgenstein "the civil status of a contradiction, or its status in civil life: there is the philosophical problem".³³⁶⁾ The consequence for Wittgenstein is that philosophy is not a doctrine, but an activity where the decision between conflicting views is left to the ordinary consciousness. By contrast Hägerström's philosophy supplies the ordinary consciousness with the only possible decision of resolving the contradiction, i.e. to accept the verdict of the Therapist. Thus, Hägerström's opposition to voluntarism ends in a reinforced dogmatism. It is based in the end upon a non-rational commitment to his own philosophy. This philosophy has the merit of being capable of explaining everything. But this is not a merit, since this is tantamount to explaining nothing at all.

Like other Hegelians Hägerström "adopts the dogmatic method of laying down his philosophy without argument. We can take it or leave it. But we cannot discuss it."³³⁷⁾ If we take Hägerström's philosophy we are, by his standard,

335) The quoted phrases are from Hägerström, PR p. 277, p. 41 and p. 179 respectively. I do not know whether Hägerström is familiar with the writings of Sigmund Freud.

336) Wittgenstein, *Philosophical Investigations* § 125, cf. Hacker, *Insight and Illusion*, p. 117.

337) Popper, *The Open Society and its Enemies*, vol. II, p. 249.

rational. If we leave it, this will show progress as a movement towards a consensus. If we try the impossible and discuss it, we are considered to be irrational, failing to realize the proper meaning of concepts.

I shall, anyway, try to do the impossible and discuss Hägerström's contentions and show the implications of his method for the understanding of epistemology, morality and law.

Chapter IV

Axel Hägerström's Inquiry into the Nature of Meaning and Knowledge

"All the mind's activity is easy
if it is not subjected to reality."

Marcel Proust*

1. Introduction

Hägerström's philosophy is, in his own opinion, a Copernican Revolution. If my argument in the preceding chapter is correct, then this is not the case. It is rather to be seen as a revolt against developments within physics, e.g. Einstein's theory of relativity, against developments within philosophy, e.g. the approach which makes sensations the ultimate foundation of scientific knowledge, against developments within society, e.g. leaders who try to bring about social reconstruction of institutions by inciting actions referring to "right" and "justice", thus stirring up class against class. No such teaching is justifiable according to Hägerström, because it fails to take account of the fact that men are governed by laws. No great change ever occurs with a leap, this is as much a law of history as of nature. Somewhat inconsistently, Hägerström thinks that his philosophy constitutes a complete break with the past and the present. His revolt is, however, justifiable, since his philosophy is the result of the gradual growth of evolution. It is the progressive and final result which will permanently benefit all mankind, since it is a replacement of superstition and magic by thought.

I have tried to show that Hägerström's thought is based upon the conceptual primacy of the knowledge of the

* Remembrance of Things Past: Cities of the Plain. Quoted from The International Theasaurus of Quotations (compiled by Rhoda Thomas Tripp) Penguin Books, 1970, Entry 968, No. 44.

end, aim or goal of his intellectual endeavours. Hägerström's basic aim is to liberate mankind from the bondage of ignorance and superstition by presenting a theory that instructs mankind of the truth and of a way to accept the world they live in, rather than a theory that gives them news about an altogether different world. The primacy ascribed to this aim by Hägerström is exhibited in his epistemology, chiefly in his rejection of nihilism or scepticism and his rationalistic acceptance that there must be a single basic principle as the only solid foundation of knowledge, viz. the principle of absolute knowledge. In his ontology, this way of thinking leads Hägerström to reject the view that the world is irrational and governed by passion or will, and to accept the view that the world in which we live represents an intelligible, ordered system of causal laws which are accessible to the human intellect. Hägerström's basic aim, then, is his longing for unity and harmony, in nature as well as in society, and this in turn leads to his fundamental claims which can be summarized, I believe, as follows:

- 1) Man is a being with the faculties of thinking, feeling, and willing.
- 2) Man's essence is the faculty of thinking which is what marks man off from other living creatures.
- 3) Man is capable of knowing the world by using the faculty of thinking, and capable of overcoming feelings and volitions; when these faculties interfere with the faculty of thinking, the result is meaningless words concerning the world.
- 4) The method to be used in knowing the world consists in looking for causes. Genuine knowledge consists in knowledge of causes and their effects.
- 5) The world is a rational or logically coherent system governed by laws.
- 6) The acquisition of perfect knowledge of the causal laws, operating independently of man, can be utilized by thinking people in a manner that will insure the constant improvement of man's life in nature and society. In short, the authority of sound reason propagated by leaders of thought must guide the great mass

of the population to happiness and social solidarity.

Hägerström remains with the rationalistic tradition, founding his epistemology upon the Cartesian conception of man as a thinking being confronted with an unthinking and independent world of unthinking objects. Hägerström accepts the rationalist doctrine that to know anything is to know ourselves as knowing it.

Thus, Hägerström's position is similar to the position of British philosophers who also put the emphasis on "the knowledge-relation as providing the clue to 'Reality'", which Passmore says is "characteristically British".¹⁾ This perhaps explains the interest in Hägerström's writings shown by British philosophers and jurisprudents. Hägerström's philosophy is anything but characteristic in its attitude to the "common sense" of the Scottish school of Thomas Reid, and the Cambridge school of G.E. Moore. In this respect Hägerström's is more akin to the philosophy of J.F. Ferrier with its search for the Absolute and contempt for "the submarine abysses of popular opinion".

I have already discussed Hägerström's epistemology and his rejection of ordinary language, cf. above Chapter III, p. 150 f. What I wish to do in this chapter is to fulfil some promises made in Chapter III. I made the promise to discuss Hägerström's theory of meaning, which I shall do in Sections 2 and 3. - In Section 2 I shall consider Hägerström's claim that self-contradictory judgements are meaningless, and argue that this claim is false. - In Section 3 I shall consider Hägerström's insistence on a distinction between mere words based upon feelings and words with thoughts behind. My thesis is that Hägerström's distinction collapses, since he holds that the meaning of all words in the end depends upon feelings. I have also promised to discuss Hägerström's theory of judgement, which I shall do in Sections 4 and 5. - Section 4 is concerned

1) Passmore, A Hundred Years of Philosophy, p. 53, - commenting on the philosophy of J.F. Ferrier; here also the quotation in the text concerning common-sense.

with negative judgements, Section 5 with affirmative judgements. Hägerström insists on a distinction between consciousness as a mental act and its direction toward an object. My claim is that Hägerström's theory of judgement is based upon an untruth. - In Section 6 I shall try to present Hägerström's theory of truth and argue that it is an incoherent theory. - In Section 7 I shall argue that Hägerström's "scientific world-picture" is based upon a coherence theory of truth. I have finally promised to consider Hägerström's path of knowledge as opposed to the paths of ignorance and opinion, which I shall do in Section 8, relating Hägerström to Parmenides. I shall argue that Hägerström returns to the Parmenidean way of truth as the only proper way of achieving knowledge. I shall also try to show that this way is not the only way of truth.

2. Hägerström's Theory of Meaning: Contradictoriness

Hägerström's general objection to other philosophers and scientists is that they talk nonsense, i.e. they use words and sentences yet fail to realize that there are no genuine thoughts behind their utterances. Thus, Hägerström's accusation is that their philosophy and even their science is dominated by metaphysics, but metaphysics is "nothing but a series of combinations of words concerning whose character the metaphysician knows nothing".²⁾

In this respect Hägerström's rejection is similar to the logical positivists' rejection of metaphysics as meaningless. The logical positivists reject metaphysics on the ground that there is no possible way of verifying metaphysical judgements in experience.

But Hägerström does not accept the logical positivists' verification theory of meaning or their verification principle. To be sure, Hägerström's theory about the nature of meaning is based upon experience, and his criterion for what it is for a word to have meaning is based upon experience. Yet this experience is not, in the end, experience by means of sense-observations, but experience based upon a logical

2) Hägerström, PR p. 60

feeling of evidence. Thus, for Hägerström the basic distinction between meaningfulness and meaninglessness is a distinction between knowledge and metaphysics. This distinction depends upon the question whether there is a unified consciousness behind the words or not.³⁾ The former is an act or state of thinking directed towards an object and expressed in words with real meaning in indicative sentences. By contrast the latter is an act or state of feeling or volition expressed in empty words. Or there is "a peculiar state of consciousness", which may express itself as a "simultaneous association" of different states of consciousness, the association of thinking and feeling, or the association of thinking and volition, "expressed together in a single sentence".⁴⁾ This association is due to the inveterate tendency of the human consciousness to move from genuine ideas to fictitious ideas, caused by the influence of feelings upon thinking.

Hägerström's distinction between meaningfulness and meaninglessness can also be expressed in terms of ideas. The distinction is then between objective ideas and subjective ideas. Objective ideas have an ontological reference to objective or natural objects in space and time. Subjective ideas, by contrast, lack ontological reference to external objects, and refer only to the individual and his state of consciousness.

An objective idea arises from the impact of the nature of things in the objective world of matter and is expressed in meaningful words, where there is a "real concept standing behind such words."⁵⁾ A subjective idea, by contrast, arises from men's reactions to the impact of the nature of things on men's sense organs that causes them to experience desires, aversions, and volitions. In this case there is "an inseparable combination of feeling and conception".⁶⁾ Hence "the consciousness of value is characterized outright by

3) Cf. Hägerström, PR p. 65 and INLM p. 136.

4) Hägerström, INLM p. 109 and p. 112.

5) Hägerström, PR p. 55.

6) Hägerström, PR p. 65.

the fact that the object - value - depends upon the feeling or desire which belongs to it".⁷⁾ Hence good and evil, right or wrong, are not in the objective world of matter. These values are rather men's internal and variable reactions to the ways in which they are stimulated by things in the world. I shall return to Hägerström's moral theory in Chapter V.

Hägerström insists on a basic distinction between meaningfulness and meaninglessness. In this respect he is close to the logical positivists. Their contention is, to use a Wittgensteinian phrase, that "the logic of our language is misunderstood". Hägerström's contention is that acts of human consciousness, expressed in words, are misunderstood.

The corollary of this is, however, for the logical positivists as well as for Hägerström, the same. Once the logic of our language is grasped, problems of moral philosophy, of philosophy of law and of philosophy of religion cannot be posed, since they are not genuine problems but rather the product of illusion. And the source of this illusion is, Hägerström contends, that in these disciplines

"everything is metaphysics, i.e. in reality there is for consciousness nothing but words, whose meaninglessness from a conceptual standpoint one does not see clearly, no matter how much these words may express feelings or wishes,⁸⁾ or inversely, may influence the life of feeling or of will".

From a conceptual standpoint words have real meaning. From a non-conceptual standpoint words are meaningless. From his conceptual standpoint Hägerström presents, as far as I can see, two lines of argument concerning the nature of meaning, i.e. what it is for a word to have meaning, and what constitutes the criterion of meaning, i.e. what a word must be if it is to be meaningful to a given person.

One line of argument is the appeal to experience, which I shall present in Section 3. In this section I shall present the other line of argument, the appeal to self-contradiction. This is the thesis that words expressing self-

7) Hägerström, PR 69.

8) Hägerström, PR p. 68.

contradictory concepts are meaningless words. When such words are used in sentences they express self-contradictory judgements, which are meaningless judgements. To be sure, Hägerström's thesis is correct, since the self-contradictoriness of concepts is a defect, which needs a remedy. It is a defect, since such concepts include irrelevancies, and thus may lead inquiries astray. Self-contradictory judgements are defective as well. In this respect Hägerström's thesis is also correct. If self-contradictory judgements are admitted, then any judgement whatever must be admitted. The reason is that from a couple of contradictory judgements any judgement whatever can be validly inferred. Hägerström realizes this, and attacks Hegel's dialectical method for the very reason that this method denies the principle of contradiction. The result is that Hegel's method leads to epistemological irrationalism or "nihilism", viz. the termination of the possibility of achieving knowledge.⁹⁾

What I wish to argue is that Hägerström's thesis, nevertheless, is meaningful, but false. The flaw in Hägerström's way of thinking is that he equates what is meaningful with what is true, and what is meaningless with what is false. His diagnosis is to locate meaning and truth in the faculty of man's thinking, and nonsense and falsity in the faculties of man's feeling and volition, which interfere with thinking. His remedy then is to exclude feelings and volitions in order to improve our concepts and judgements. Only feelings and volitions are the villain for Hägerström. And thinking alone is our saviour. My claim is that Hägerström overlooks or ignores that thinking also may result in incoherent concepts and judgements. There is clearly a case of incorrect as well as correct thinking. Hägerström also overlooks or ignores that the meaning of a sentence is distinct from the truth or falsity of a judgement expressed by a sentence.

Hägerström sets up his theory of meaning with the claim

9) Hägerström, *Rätten och Staten*, p. 267, cf. Popper, *Conjectures and Refutations*, Ch. 15.

that "it is absolutely meaningless to say that gold is both soluble and insoluble, and it is absolutely meaningless to say that it is neither soluble nor insoluble".¹⁰⁾ - Or as Hägerström also says: "The contradiction --- can only be a collection of words without meaning, even if one does not know that one is only operating with words".¹¹⁾

Hägerström's thesis about what it is for a word to have meaning may be stated in this form: "the meaning of a word is a non-contradictory concept". And his criterion of meaning may be stated thus: "A sentence is meaningful to a given person if, and only if, he knows how to operate with words expressing concepts".

I shall call the judgement: "gold is both soluble and insoluble" A for easy reference. Clearly the sentence used to express judgement A is meaningful, but A is a self-contradiction. It is a meaningful but false judgement. Judgement A can be contrasted with another judgement, call it B, considered to be meaningful from Hägerström's conceptual standpoint, viz. his claim "that if one does not chatter, but thinks - some kind of thought must be present".¹²⁾ Judgement B says: "if one thinks then some kind of thought must be present", which is a tautology. Hägerström's sentence used to express B clearly has a meaning, and his judgement is true but uninformative, since B does not say whether the thought is true or false. Hägerström, however, holds that the thought expressed in the judgement is always true as well, but I shall consider this in Section 4.

To use Wittgenstein's terminology, tautologies, like B, lack reference for they say nothing about how things are in the world, but they are not meaningless or nonsense. This is, however, denied by Hägerström who claims that the judgement, call it C, "'The table is a table' is a purely meaningless judgement - a mere accumulation of words without any meaning".¹³⁾ If judgement C is a mere accumulation of words

10) Hägerström, PR p. 62.

11) Hägerström, PR p. 64, cf. p. 262.

12) Hägerström, PR p. 62.

13) Hägerström, PR p. 212.

without any meaning, then the same holds for judgement B. This, then, is also a mere accumulation of words without any meaning. Since Hägerström denies this in case of B, but affirms this in case of C, there is a flaw in Hägerström's thought, since he defies his own criterion of meaning. It is a manifest self-contradiction. Hägerström does not think but chatters according to his own criterion.

Self-contradictions, like A, also do not say anything about the way the world is. But again self-contradictions are not a mere accumulation of words without any meaning. They are meaningful, but false, judgements. It is clearly possible to state, in a meaningful sentence, what one is thinking of when one utters the judgement A. This is denied by Hägerström who claims "what one is thinking of with these words (in A) cannot be stated".¹⁴⁾ However, Hägerström presupposes that he, from his conceptual standpoint, knows the meaning of the words used in A. The charge of contradiction presupposes a grasp of the meaning of the judgement A. And, to generalize from this judgement to metaphysical doctrines, until the meaning of these doctrines is established Hägerström cannot properly consider whether or not these doctrines must be rejected as true or false. He may, of course, reject the doctrines merely by saying, "Well, I do not understand the doctrines put forward by metaphysicians, since they amount to unconstruable gibberish like the utterance (D) "grillanyzgbormfemstlazx"". What one is thinking of in D cannot be stated. It follows that we cannot consider whether or not to believe it for there is no it to believe.¹⁵⁾ This may be Hägerström's considered position.

If so, then he overlooks the vital difference between the judgements A, B, C and the utterance D. A, B, C in contrast with D have a logical structure. If we generalize from these judgements, the same may be the case with metaphysical doctrines. Hägerström cannot reject A, B, C on the same ground as he rejects D. Perhaps Hägerström's position is

14) Hägerström, PR p. 62, my bracket.

15) Cf. Jonathan Bennett, Locke, Berkeley, Hume. Central Themes, Oxford 1971, p. 130.

akin to Berkeley's position when he writes,

"when words are used without a meaning, you may put them together as you please without danger of running into a contradiction. You may say, for example, that twice two is equal to seven, so long as you declare you do not take the words of that proposition in their usual acceptation, but for marks of you know not what."¹⁶⁾

What this suggests is that Hägerström's attack is based upon his thinking that A and C are logically false. Yet the meaning of A and C must be established before Hägerström can know whether they are true or false. This, in turn, presupposes that it is possible to state what one is thinking of in uttering A and C. Hägerström denies this, as is evident from the quotation above. However, at the very same page he also asserts it, offering an explanation why the judgement A is meaningless. Hägerström's argument is that "both the idea of the solubility of the gold and the idea of the subjectivity of this idea are subjective". What Hägerström is saying is, I think, that "the idea of the solubility of gold" is subjective, i.e. an idea in a person's mind, whereas a genuine concept is something interpersonal. Thus, he reverts to Locke's theory of ideas: "the mind, in all its Thoughts and Reasonings, hath no other immediate Object but its own ideas".¹⁷⁾

If this is the case, then Hägerström is committed to the view that a concept also is something in a person's mind. That this is actually the case is confirmed, when Hägerström writes about consciousness and objects. Hägerström sitting in his working-room reflects upon the relation between his consciousness and his garden. He writes, "I apprehend my work-room *and* the garden it faces as both real, but I can do this only because they present themselves in the same complex of space".¹⁸⁾

But this is an untruth. In one interpretation it is the truism "Hägerström's apprehension of his work-room and garden is Hägerström's apprehension of his work-room and

16) Berkeley, *Objections to the Principles* § 79, *Selections* p. 87.

17) Locke, *Essay concerning Human Understanding*, Book IV, Ch. I, § 1, p. 525.

18) Hägerström, *PR* p. 47 (his italics).

garden". In another interpretation it is a meaningful but false judgement, "Hägerström's apprehension can never be of anything which is not part of his apprehension". That Hägerström endorsed the untruth is confirmed when he goes on to claim "*the garden is actually present in consciousness at the same time as the room*".¹⁹⁾ Clearly Hägerström violates with this claim his own criterion of meaning.

To return to Hägerström's claim that the idea of solubility is subjective, Hägerström writes,

"I have before me as something real the idea of the solubility of gold and the idea of this substance as possessing the quality of gold, and I affirm the solubility of this substance as belonging to the same idea, just as I affirm the *meaninglessness* of denying this".²⁰⁾

Now, in this case it is clearly the thing gold, not the idea of gold, which has the property of being soluble. Hägerström's judgement E "Gold is soluble" is meaningful, and may be true or false. The judgement E presupposes that gold is the sort of thing which can have the property of being soluble. This judgement E may be contrasted with judgement F "Gold is just".²¹⁾ This judgement, in turn, presupposes that gold is the sort of thing which can have the property of being just. This is a case of a category mistake, since it is of necessity false that gold can be just. Considering judgement A it is not of necessity false that gold is the sort of thing, which has the property of being soluble. Quite the reverse is actually the case, as Hägerström implies by his judgement E. Hägerström's claim is that the denial of E is meaningless, but the denial of E is rather a meaningful but false judgement. Judgements A and E are expressed in meaningful sentences, but this is denied by Hägerström. A lacks meaning, since the ideas are subjective, whereas E has meaning. Since both judgements involve the same idea, it is hard to see that there is any difference in meaning. Of course, there is a difference in respect of their truth-value. But in this respect Hägerström's prescription is

19) Hägerström, PR p. 47 (my italics). - I shall return to this example later, see below p. 65.

20) Hägerström, PR p. 46.

21) Hägerström, PR p. 83.

inadequate, since it amounts to an investigation of the judgements rather than an investigation of the substance called gold.²²⁾ This is no doubt due to the fact that Hägerström claims that all qualities "are not naturally in space".²³⁾ Thus, Hägerström, like Berkeley, does not deny that there are physical objects in the world, e.g. gold, but he denies that they have any qualities independently of consciousness. Hägerström, like Berkeley, supports his thesis about the nature of meaning and the criterion of meaning by reference to his own ideas.²⁴⁾ Thus, Hägerström confines his thought about meaning to his own ideas. So long Hägerström does that, he cannot see how he can easily be mistaken. Of the objects he considers, it is clear that Hägerström has clear knowledge, for Hägerström cannot be deceived in thinking he has a thought. Hence judgement B is meaningful and true. But can he be deceived in thinking that his thought is true? No, Hägerström replies. His thinking and expressing the thought is true, and what the thought is about is true as well. I shall consider this in Section 4.

And, again like Berkeley, Hägerström entreats his readers that they make his ideas the occasion of their own thinking, and endeavour to attain the same train of thoughts in reading as Hägerström had in writing them. For Hägerström it is evident that the words of judgement A mark out either a direct contradiction or else nothing at all. And to convince us of this, Hägerström entreats us to follow him attentively and to consider our own thoughts: "Try to think it possible that something should really exist in nature which implies a repugnancy in its conception". Surely, the contradiction of the expressions is obvious and of itself justifies their rejection, or so Hägerström claims.

But Hägerström's claim that the judgement B is meaningful because it is consistent, and the judgement A is meaningless because it is self-contradictory does not stand up to

22) Cf. Hägerström, PR p. 62.

23) Cf. Hägerström, PR p. 297, cf. p. 56, 235, 263.

24) Cf. Berkeley, Introduction to the Principles, § 22, Selections p. 28; § 25, p. 30 f., and Rationale of the Principles, § 24, p. 49.

closer scrutiny. Hägerström confuses

- a) whether a sentence can be said to be meaningful, for example the sentences "Gold is both soluble and insoluble", "Gold is soluble", and "The table is a table"; and
- b) whether the judgements A, E, and C, expressed by the above-mentioned sentences, are true or false.

The distinction between the false and the meaningless is important, since truth and falsity presupposes meaningfulness. There can be no such thing as a meaningless judgement, since if a sentence is meaningless it does not express a judgement, true or false. - Hägerström's charge is that all other doctrines, except his own, are meaningless, and if so, then the question of their truth or falsity does not even arise. This may be the reason why Hägerström on the one hand does not bother to test them. On the other hand Hägerström also claims that the doctrines are false, which presupposes that they have meaning. The latter is, however, denied by Hägerström, since he, wrongly, equates meaninglessness and falsity.

Thus, my conclusion is that Hägerström has not succeeded in his rejection of metaphysics from his conceptual standpoint. From the conceptual standpoint there are flaws in Hägerström's way of thinking. He fails to distinguish between meaning and truth. He also involves himself in self-contradiction by claiming that the judgement B about his own thinking is meaningful, but the judgement C about the table, which logically has the same structure as B, is nothing but words without meaning.

I think, therefore, that I have established my claim that thinking also can lead to error. It has led Hägerström into error. What is the consequence of this? Let Hägerström provide the answer: "Now the way is open for uncontrolled fantasy". The way is also open for Hägerström to discover "that his own thought-structure is a fragile one. This is shown in the fact that he finally appeals to feeling".²⁵⁾

Hägerström's criterion of meaningfulness is also an

25) Hägerström, PR p. 212 and p. 213.

appeal to his logical feeling of evidence. This is radically defective, as I shall try to substantiate in the following section.

3. Hägerström's Theory of Meaning : Ideas and Meaning

Knowledge for Hägerström is expressed in judgements about objects. Judgements, in turn, are expressed in indicative sentences, where the words have real meaning. Judgements are "the naturally forthcoming expression for a real state of consciousness", in which "something is characterized as being such and such" formulated in words with real meaning, i.e. "the thought behind the words".²⁶⁾

Words, then, are the medium through which consciousness expresses itself. The unit of real meaning is the individual words, which are put together in sentences and yield meaningful sentences. As sentences are built out of words, Hägerström holds, so are thoughts built out of ideas, which are "expressions for the objective properties of presented objects".²⁷⁾

Words, when used meaningfully by a speaker, are attached to objective ideas in the speaker's consciousness, and the speaker's words excite similar objective ideas in the consciousness of the hearer. An objective idea is an atom of real meaning, expressible by a word, which is an atom of language. In this case words are signs of thought and serve in indicative sentences as logical terms as a means of communication. Words, however, are also used by speakers as signs of their subjective acts or states of minds such as feelings and volitions, which, when expressed in sentences, tend to evoke similar attitudes in the minds of the hearers. In this respect Hägerström simply follows Berkeley.²⁸⁾ Words, when used to express feelings and volitions in sentences, may mislead us. Here words do not function as logical terms but rather as signs, which raise passions. The individual is a member of

26) Hägerström, INLM p. 134, cp. 109 and p. 82.

27) Hägerström, INLM p. 138.

28) Cf. Berkeley, Introduction to the Principles, § 20, Selection p.26.

"a social linguistic community, so that similar states of mind in different persons who use the same language are similarly expressed. But through their unconditional and extra-individual character such sentences apparently acquire just the same properties as sentences which *really* express underlying judgements."29)

As I have indicated, Hägerström holds that there is a danger that the individual is deceived by language. The deception is to be found in the distinction between sentences, which really express underlying judgements of a unified consciousness, and sentences, which express apparent judgements. The latter is generally the case in scientific thinking, in philosophical thinking and in ordinary thinking, where metaphysics dominates. Hägerström's intention is to intervene and arrest "the giant wave of metaphysics, which runs through the entire history of civilization".30) Metaphysics is nothing but "an intellectual play with expressions of feeling, as if something real were designated thereby".31) Hägerström wants to put a stop to the intellectual play, which employs the faculties of feeling and volition, and change it into intellectual work directed to the accomplishment of a specific end. This end is social harmony and happiness which can only be achieved by the intellectual exertion of the faculty of thinking, as opposed to indulging in wishful thinking, due to the association between thinking on the one hand and feelings and volitions on the other hand. "We must", Hägerström says, "destroy metaphysics, if we ever wish to pierce through *the mist of words* which has arisen out of feelings and associations and to proceed 'from sounds to things'".32)

I have already mentioned and discussed this passage, in Chapter III, Section 7. Here I wish to draw attention to the fact that Hägerström's dichotomy is between knowledge, which is conversant about truth and terminates in things, and the force of feelings, which threaten to obscure knowledge by "the mist of words". I wish also to draw attention to the

29) Hägerström, INLM p. 138 (my italics).

30) Hägerström, PR p. 178.

31) Hägerström, PR p. 74.

32) Hägerström, PR p. 74 (my italics).

relationship between Hägerström and Locke in this respect. Consider what Locke writes,

"when ... I began to examine the Extent and Certainty of our Knowledge, I found it had so near a connexion with Words, that unless their force and manner of Signification were first well observed, there could be very little said clearly and pertinently concerning Knowledge: which being conversant about Truth, had constantly to do with Propositions. And though it terminated in Things, yet it was for the most part so much by the intervention of Words, that they seem'd scarce separable from our general Knowledge. At least they interpose themselves so much between our Understandings, and the Truth, which it would contemplate and apprehend, that like the *Medium* through which visible Objects pass, their Obscurity and Disorder does not seldom cast a mist before our Eyes, and impose upon our Understandings."³³⁾

This is important, since Hägerström by calling words a "mist" concedes to the Lockean view of language as merely a public vehicle for activities which have a self-sufficiency of their own independently of language. This does not square with Hägerström's conception that meaning involves the use of concepts logically related to one another; in other words it involves the use of a public language. This language has not the character of this or that individual person's consciousness, but has an unconditional and extra-individual character. "It should be noted", Hägerström says, "that it is just the extra-individual character of the involuntary expression which makes communication possible".³⁴⁾

He also holds that "in so far as a real community of speech exists, the utterances themselves are not in any way formed deliberately". If sentences are formed deliberately then we end up with "arbitrarily formed conglomerations of words".

Hägerström's point is that this is to use words without meaning in contrast to use words with meaning. The latter is to use words associated with determinate and objective

33) Locke, *Essay concerning Human Understanding*, Book III, Ch. IX, § 21 (p. 488), cf. Book II, Ch. XXXIII, § 19 (p. 401). For the Lockean view of language mentioned in the text, I am indebted to Jonathan Bennett, *Locke, Berkeley, Hume*, p. 57.

34) Hägerström, *INLM* p. 139, p. 140, and p. 138 for the next two quotations.

ideas of a single or unified consciousness to express judgments in indicative sentences. The former is to use words associated with subjective ideas to express nothing at all or to express the association of subjective and objective ideas of a complex consciousness which expresses itself in an "inseparable combination of feeling and conception".³⁵⁾

In this case

"an expression of feeling can also be expressed in an indicative sentence in virtue of its association with a conception, and so one believes that "value" is a real determination of the object, that is one does not notice the meaninglessness of the words from a conceptual standpoint".³⁶⁾

This is Hägerström's reason for the claim that language may mislead people. This raises the question for Hägerström how to avoid being misled grammatically by words and their sentences. Hägerström's answer is to proceed from sounds to things. Is this a satisfactory answer?

Obviously, words are, in one sense, sounds, and Hägerström holds that these sounds are like a mist. The implication may be that since this is so, we should disregard words so that we may, to quote Berkeley, "clear the first principles of knowledge from the embarrass and delusion of words".³⁷⁾ This is important, because it is tantamount to Hägerström's resolving not to take words seriously as an object of study. We must rather take things seriously as an object of study.

The metaphysicians are dealing with sounds, i.e. words, which Hägerström wishes to stop in order to concentrate on things. But it is a rather radical measure to silence the metaphysicians by precluding all further use of words. This is absurd, since Hägerström's study of things must be expressed in words as well. When Hägerström urges us to study things, he overlooks or ignores that words are essentially means by which human beings deal with things, so that a sentence about words is necessarily also a sentence about human beings and things. In fact, Hägerström tries to stop metaphysicians by using words himself. This implies that

35) Hägerström, PR p. 65.

36) Hägerström, PR p. 70. My translation differs from Sandin's.

37) Berkeley, Introduction to the Principles, § 25, Selections, p.30.

Hägerström must explain how he knows that metaphysicians, when they use words, are just making sounds and are by no means capable of dealing with things. According to Hägerström's theory the metaphysicians are in the same position as Locke's parrots "taught to make articular Sounds distinct enough, which yet, by no means, are capable of Language".³⁸⁾ And the metaphysicians, be it noted, cover for Hägerström not only philosophers and scientists, but also ordinary people. So the job is to teach the metaphysicians to make articular sounds with meaning in contrast with articular sounds as mere sounds. - We must proceed from sounds to things, from insignificant noise to meaningful concepts. Hägerström wishes to maintain that words and sentences that have been taken as meaningful for centuries are, in fact, meaningless noises.

This, in turn, requires that Hägerström must give arguments in support of his contention on the basis of some account of what is required for a word to have meaning and a criterion of meaning in order to distinguish sense from nonsense. I have, in Section 2, considered one account offered by Hägerström. I have also argued that this account is unsatisfactory. In this section I wish to examine the other account offered by Hägerström. This account is by no means an original account.

Hägerström simply adheres to the account offered by the British philosophers Locke, Berkeley and Hume. In short, Hägerström is an empiricist about meanings.³⁹⁾ He holds that no classificatory word makes sense to us unless either

- a) we have sensorily encountered things, to which words apply, or
- b) we can define it in terms of words, which satisfy (a).

Hägerström does not present his thesis in any detailed way. I think, however, that it is fair to summarize it as follows: His theory of meaning of words can be stated thus "the meaning of a word is an idea in one's mind caused by

38) Locke, *Essay concerning Human Understanding*, Book III, Ch. I, § 1, p. 402.

39) See Hägerström, PR p. 65, cf. p. 69, INLM p. 142, cf. Bennett, Locke, Berkeley, Hume, p. 26.

a present object", and his criterion of meaning is "a sentence is meaningful to a given person if, and only if, the person has the correct ideas in his mind caused by present objects". This is radically defective, since it links the meaning of words with mental accompaniments. It leads Hägerström into difficulties about how we can talk in a meaningful way about the past. Since the past, by definition, is not present, it cannot act upon the mind. And yet "if the past were nothing, the black night, it would be absolutely impossible to have knowledge of it".⁴⁰⁾ Hägerström's way out of this difficulty is to claim that historical events, e.g. the death of Karl XII, exist now. The only correct way of putting it in the ordinary sense is that Karl XII who exists does not have the same temporal property that we have. - But surely, this is not the only correct way of putting the fact that Karl XII, who died in 1718, nevertheless exists now. Hägerström involves himself in a self-contradiction, since he is implicitly committed to the view that existence is a predicate, which he on the other hand rejects.

To be sure, we cannot talk about Karl XII without having a distinct conception of him. In contrast to Hägerström's account this does not involve one's having a distinct image of Karl XII in one's mind. It is obvious that we can use words meaningfully without having any images. Indeed, there are words, such as the phrase "a four-dimensional space", which we cannot interpret in terms of images. Since this is so, it leads Hägerström to reject the phrase as meaningless. This is wrong. The flaw in his thinking is no doubt due to the assumption that all genuine meaning either is, or is based upon, a report on some immediate presentation, some actual event, occurring in the mind. It seems to me that Hägerström's theory of meaning is grounded upon this principle, to quote Reid, that "in every kind of thought there must be some object that really exists, in every operation of the mind, something to work upon".⁴¹⁾

40) Hägerström, PR p. 211.

41) Reid, *Essays on the Intellectual Powers of Man*, p. 417.

This turns Hägerström's theory of meaning into a "labour-theory of meaning". There must be a present object of thinking. If one thinks of Karl XII, he must be present as an idea in one's mind. If Hägerström does not find that there is any kind of effect or impression made on his mind by words, then such words are just empty words. This is quite similar to Berkeley's theory of meaning. For Berkeley, the word "matter" means nothing, since "I do not find that there is any kind of effect or impression made on my mind different from what is excited by the term nothing".⁴²⁾ For Hägerström, of course, the word is not "matter" but "spirit".

Hägerström's theory of meaning is closely associated with his theory of perception. This is the labour-theory once again. We cannot see anything unless it lies immediately before us, unless the object is present to us and experienced. Thus, Hägerström uses the term *idea* (*Vorstellung*) to denote objects of thought as well as objects of perception. This double use of the term "idea" embodies his substantive mistake of assimilating the intellectual far too closely to the sensory.⁴³⁾ The result is meaning, truth, and knowledge as a sort of vision.

In his account of perception Hägerström uses the term "idea" as a key-term, holding that the object acts upon the mind and produces ideas in the mind of the passive percipient.⁴⁴⁾ At the same time Hägerström also holds that the object acts upon the mind and is immediately perceived without any intermediate medium of images. As Hägerström says "dies bedeutet, dass der wirkliche Gegenstand gleichsam in das Bewusstsein eindringt. Das ist zwar sinnlos". I agree, this is "sinnlos" or absurd in the sense that it is false. Therefore the view should be rejected. An object, in being perceived, does not act at all.⁴⁵⁾ Hägerström's theory of perception, whether immediate or mediated by ideas, is false, cf. also above

42) Berkeley, *Objections to the Principles*, § 80, *Selections*, p. 88.

43) Cf. Bennett, *Locke, Berkeley, Hume*, p. 25 for criticism of this view.

44) Cf. Hägerström. *EE* p. 25, and p. 27 for the quotation.

45) Cf. Reid, *Intellectual Powers of Man*, p. 218.

Chapter III, Section 5.

Hägerström ignores that perception is active, not passive, and further ignores that distinctions between kinds or classes of objects are not found but made by us. This leads to Hägerström's account of meaning in terms of ideas, where ideas cover concepts. He holds that ideas or concepts necessarily react on the subject as a force, which operates in a certain way independently of the subject, causing him to use certain expressions.⁴⁶⁾

The objection is that just as Hägerström builds coercion into the conception of sense perception, so he builds coercion into the conception of the meaning of a word. He may do this, of course, but the decisive objection is that he then "corrupts a language, by using words in a way which the purity of the language will not admit".⁴⁷⁾

Since ideas are received from particular objects, Hägerström also faces the problem how ideas become general. This is the problem of universals, i.e. the problem of providing an account of how we classify particular objects as being of the same kind. Hägerström rejects Locke's notion of abstraction, without mentioning Berkeley at all, but his argument is similar to Berkeley's.⁴⁸⁾ Whatever Hägerström imagines, must have some determinate form and shape, and he cannot by any efforts of thought conceive abstract ideas. As Hägerström writes,

"with regard to the unknown we operate with nothing but abstract determinateness, without anything standing before us which possesses the determinateness. Now, since this has no meaning we must be concerned here with an entirely different form of knowledge. But we designate this for ourselves by means of misleading words."⁴⁹⁾

I shall not discuss the merits or demerits of abstractionism. Suffice it to mention Hägerström's theory concerning how to classify particulars by using words which

"must possess real meaning if it is to be possible to determine something as real or determinate in contrast to that

46) Hägerström, INLM p. 98.

47) Reid, *Essays on the Intellectual Powers of Man*, p. 21.

48) Cf. Berkeley, *Introduction to the Principles*, § 10, *Selections*, p.14.

49) Hägerström, PR p. 61, cf. p. 44.

whose determination as real or as determinate appears to be a mere collection of words".⁵⁰⁾

The contrast for Hägerström is between meaningful words, i.e. words with real meaning with thought behind, and misleading words, i.e. words with apparent meaning with feeling behind. Hägerström's theory is "that there must be something universal which determines the denotation of words". Hägerström rejects that the universal can be "the content of a universal idea attached to the words". Why he rejects this position, which is nominalism, he does not tell. But probably his reason is that all objects that exist are only particular objects.

So for Hägerström the solution can only be found "in a general, determinable *feeling*, for which the words, immediately regarded, are the expression". I have italicized the word "feeling", since this implies that Hägerström's contrast between meaningful words and misleading words collapses.

Hägerström's criterion of meaning is then, in the end, based upon "a general determinable feeling", and this feeling turns sounds into words with real meaning. The metaphysician's sounds are still just sounds or empty words, since these sounds are based on nothing but the metaphysician's feeling. But what is, then, the difference between Hägerström and the metaphysician, since Hägerström appeals to feeling as well?

Feeling, for Hägerström, in contrast to thinking, does not objectify. The nature of feeling is "in its very nature objectless as being free from all elements of conception", Hägerström claims.⁵¹⁾ This is in contrast to thinking of something as real "which involves one's conceiving it as existing independently of the consciousness itself". According to Hägerström's own contrast between feeling and thinking his own criterion of meaning is a case of confusion between conception and feeling. Hägerström is guilty of the very same error, which he reproaches others for committing. The

50) Hägerström, PR p. 59, also here the following quotations in the text.

51) Hägerström, PR p. 241, also here the next quotation.

crucial objection to Hägerström's criterion of meaning is that nothing can possibly be known about public meanings of words, if Hägerström's theory is correct. According to Hägerström's theory it is his logical feeling which provides the only accessible criterion for what is meaningful. No wonder, then, that his henchmen were bewildered, when Hägerström died, cf. Chapter III, Sec. 5, p. 139, since Hägerström's criterion is quite useless as an instruction for anyone who does not know in advance how to distinguish between meaning and nonsense. Hägerström's way out is, I think, to insist that a distinction can be drawn between his "general determinable feeling" and the feeling of the metaphysician. Hägerström's appeal to feeling is an appeal to the rational feeling of logical evidence, not the appeal to an irrational feeling as is the case with the metaphysician, who is shut up in his own subjective world. The rational feeling of logical evidence is "connected with the consciousness of the real".⁵²⁾

Thus, Hägerström's theory of universals can be seen as a version of conceptualism. A word is general or meaningful, because in the mind there is a corresponding general concept or idea. He then faces the question how to explain what a general concept is. The only answer is, Hägerström says, a "general determinable feeling". According to this feeling reality is preordained and preorganized in such a way that words expressing this order in genuine concepts are given and forced upon us. What this amounts to is the thesis that all the material of human knowledge falls into a fixed scheme of categories. The task of inquiry is then simply to find out what the fixed scheme is. This implies that Hägerström's theory is close to realism, as a theory of universals. The objection to Hägerström's thesis is that he tends to underrate that concepts shape experience itself, that concepts are not fixed but rather open-ended entities, and that concepts are not found but created. If Hägerström does recognize this, he explains it away as a

52) Hägerström, PR p. 257.

case of using imagination as opposed to using reason. It is a case of fictive concepts versus genuine concepts. On Hägerström's view certain things are called "gold", because they *are* gold, that is these objects possess a common feature of goldness, in contrast to the nominalist view that objects are gold, because they are *called* "gold". The latter view is for Hägerström just the case of empty words, since no answer at all can be given to the question why these objects are called "gold" and not, say, "animals". According to Hägerström's view, he can offer a satisfactory answer to the question why an object is called gold. And the answer is that this is determined by a logical feeling of evidence, the intellectual apprehension of the essence of the object.

The consequence of this theory is that the world has a predetermined ordered structure to be revealed in words with thoughts behind. This entails for Hägerström that there must be exactly one correct account of the world, viz. the scientific account. Hägerström parts company with Wittgenstein and the logical positivists in their view that human illusions concerning the way the world is can be eradicated by a proper logical notation. This is metaphysics according to Hägerström. For Hägerström illusions can be eradicated only by eradicating the feelings and volitions attached to genuine concepts. This cannot be done except through a historical inquiry into the origin of ideas, separating adequate from inadequate ideas by tracing their historical development. Thus, Hägerström adheres to a genetic account of the causal, psychological processes of passions, which accompany man's thinking. If the metaphysician claims to have a logical feeling as well, how can Hägerström distinguish between his logical feeling and the metaphysician's feeling? How can Hägerström know that a metaphysician talks nonsense? The metaphysician's feeling is an irrational feeling, not a rational feeling, is the answer. This answer, however, rests only on Hägerström's own ipse dixit. For Hägerström is not entitled to claim that this assertion is true without an investigation of the credential of the metaphysician's judgements. In this respect the inner accompaniments, whether

a logical feeling of evidence or an irrational feeling, are not constitutive of the meaning of words used in sentences to express judgements. The origin of judgements is quite irrelevant for the meaning and truth-value of judgements.

Hägerström's mistake is to overlook or ignore this. Once this is realized there is no reason to take Hägerström seriously. His charge of metaphysics and his dismissal of views as meaningless can safely be ignored. There is a case, however, for taking Hägerström's own criterion of meaning seriously.

Hägerström is concerned with the question whether certain sentences are meaningful or meaningless and with the question whether we understand anything by such sentences. He, quite rightly, stresses that these questions are important for people's actions. Granted that these questions are important, they matter for the present. It is odd, then, to look at the past and write bulky volumes about Romans and their magic instead of concentrating on providing a comprehensive theory, which relates meaning to the use of sentences to-day. Since Hägerström does recognize the public character of language, his failure is to see the possibility of a theory of meaning, which connects the meaning of a word with the roles it can play in sentences, as put forward by Wittgenstein in his later work.

Hägerström's failure to provide such a theory is due to the fact, I suggest, that Hägerström is not concerned at all with analytical questions of meaning but rather with genetic or causal questions of what motivates people. Hägerström is concerned with the genetic question what must occur in one's consciousness before words can be considered to be meaningful, rather than being concerned with the analytical question what it is for an expression to have meaning.

Hägerström's theory of meaning is then a step backward since the meaning of words is connected with inner, mental accompaniments, which must be present in order to speak in a meaningful way. Hägerström's theory of meaning turns an analytical question into a psychological inquiry of the nature of human consciousness, and this is an incredible

confusion of thought.⁵³⁾

Hägerström's criterion of meaning turns out to be a piece of psychologism as well. Hägerström links his theory of meaning to a causal theory according to which the criterion of meaning of words and sentences now becomes the response produced by the words or the sentences. This criterion is a failure, since it is quite possible to understand the meaning of a word or a sentence without being moved to act. In the terminology established by the late J.L. Austin⁵⁴⁾ Hägerström pays too much attention to the perlocutionary act, i.e. what is done by saying something, e.g. getting a person to go away; at the expense of both the illocutionary act, i.e. what is done *in* saying something, e.g. ordering him to go away, and the locutionary act, i.e. what is said. Hägerström in effect confounds the perlocutionary act and the illocutionary act.

I shall consider the implications of Hägerström's view for the understanding of moral and legal language in Chapter 5 and Chapter 6.

4. Hägerström's Theory of Judgement : Negative Judgements

In this section and the next I shall consider Hägerström's theory of judgement. In my discussion I shall follow his advice that "it is of the greatest importance... above all, to avoid being deceived by the propositions which have been put forward".⁵⁵⁾ What is the proposition put forward by Hägerström? In his own words:

"the first proposition which I affirmed was that in every judgement the reality of something is *presupposed*. Every judgement is an apprehension of some state of affairs as real."⁵⁶⁾

Hägerström does not inform his reader of the basis for his first proposition. He just declares that he has "renounced every attempt to define the judgement without taking

53) Cp. Hägerström's own rejection of psychologism concerning the question of the objectivity of knowledge, PR p. 35.

54) J.L. Austin, *How to Do Things with Words*, Oxford 1962.

55) Hägerström, PR p. 207.

56) Hägerström, PR p. 39 (my italics). For the next quotation, see p. 40.

into consideration the reality judged about".

I shall argue that Hägerström does not avoid being deceived by the proposition he puts forward. In fact, to use a phrase from Hägerström, "there is a surreptitious logical mistake".⁵⁷⁾ I wish to turn this phrase against Hägerström's "first proposition". The logical mistake involved is to confuse the proposition

- (a) whenever there is a judgement then there is an object thought about,

with the proposition

- (b) whenever there is a judgement then there is an object thought about which is both thought about and really existing.

Proposition (a) is a truism. Proposition (b) is false, since an object of thought need not really exist. If I am right then Hägerström's theory of judgement rests upon untruths. An "untruth" is an ambiguous sentence, expressing on one interpretation a trivial truth or a truism, on another interpretation, a substantial falsity.

In what follows I shall try to substantiate my thesis that Hägerström's theory of negative judgement is a series of untruths. In the following section I shall deal with his theory of affirmative judgements.

The first untruth concerns Hägerström's denial of negative judgements. This follows from Hägerström's first proposition, quoted above, that every judgement is an apprehension of some state of affairs as real. - The word "judgement" is an ambiguous term, sometimes denoting the mental act of judging, and sometimes referring to that which is judged. It is the distinction between the process of judging and the product of judgement.

Knowledge is expressed in judgements and if one adopts the position of knowledge as maker's knowledge determined by the product, then it becomes absurd to engage in a process of judgement terminating in a product which is nothing. As Hägerström writes "concerning pure nothing, nothing at all can be judged", or "concerning that which lacks reality

57) Hägerström, PR p. 47.

which has nothing to do with reality - concerning the pure nothing - we can have no knowledge".⁵⁸⁾

Now I have argued, above Chapter III, Section 7, that Hägerström makes a break with the conception of knowledge as maker's knowledge. Knowledge is rather conceived by Hägerström as finder's knowledge. Again the finder in his search is determined by his purpose, viz. to discover the truth about objects, which exist independently of him. So the same conclusion comes to light. It is absurd to search for nothing. If the consciousness is constrained or forced by external objects, and this is what Hägerström holds, then the consciousness cannot be forced by nothing. This is absurd, Hägerström holds. So Hägerström has created a problem for himself, viz. that "it *appears* impossible that a judgement, in which the reality of something is *always declared*, should deny the reality of that which is judged about".⁵⁹⁾

It is worth noticing first that Hägerström, considering the relation between judgement and reality, moves from his first proposition, where "the reality is always presupposed" to the position that "reality is always declared". He offers no explanation for this move, and in fact it embodies the untruth described above.

Secondly it is worth noticing that Hägerström uses the word "appears" which suggests that Hägerström is offering a tentative hypothesis. Hägerström's example of this hypothesis is the negative judgement: "Man does not breathe with gills".⁶⁰⁾ His analysis of this judgement, call it (N), is as follows. (N) involves

- (a) a conception (Vorstellung) of man-breathing-with-gills
- (b) (a) "must be apprehended as present" in a person's (P) mind
- (c) (P) "finds" that (a) "has a different character from that of the complex to which it belongs".

In an obvious sense, in judgement (N) "reality is always declared", since (P) puts forward a judgement. It is a

58) Hägerström, PR p. 42, and p. 211.

59) Hägerström, PR p. 42 (my italics).

60) Hägerström, PR p. 42.

manifest contradiction to think without a conception. It is a truism that if (P) thinks then he has a thought (b). It is not a truism that there, besides the thought, also is an image of man-breathing-with-gills (a). In fact it is false.

Considering whether the judgement (N) is true or false, we must also consider whether its contradictory judgement is true or false. There is, in this case, a question of interpretation. What does Hägerström mean by his judgement (N): "Man does not breathe with gills"? Does he merely mean "not all men breathe, etc." (a), or that "not one man does breathe, etc." (b)? That is to say, does he assert:

- a) "Not all men breathe with gills", i.e. (a) some men do not breathe with gills, which gives the contradictory judgement (A): All men breathe with gills; or
- b) Not any man does breathe with gills, i.e. (E) no men breathe with gills, which gives the contradictory judgement (I): "Some men breathe with gills".

According to Hägerström the law of contradiction is formulated as follows "two judgements, one of which denies what the other affirms cannot both be true".⁶¹⁾ Ordinarily it is added "and cannot both be false" to distinguish contradictories from contraries which cannot both be true, but two contrary judgements can both be false.

If we accept Hägerström's formula, cited above, he abandons the empirical hypothesis in order to present a case for the logical impossibility of negative judgements. But then he must proceed on the assumption that the subject-term of judgement (N) "man" actually denotes something real. In other words he must proceed upon the assumption that there are men.

If so, (A) and (E) imply a contradiction and are clearly incompatible. But then Hägerström's doctrine is seriously muddled, since he then assumes that existence is a property. Hägerström lays down that it is impossible to speak of reality as a property.⁶²⁾ But he breaks his own rule in

61) Hägerström, PR p. 42.

62) Cf. Hägerström, PR p. 41. Thus, Hägerström adheres to the Humean-



the real act of stating it, and deduces himself into the world.

Hägerström's theory of negative judgements asserts that what is not the case is altogether unreal, and no one can think of or affirm what is not. Thus, dealing with judgement (N), Hägerström claims that we must compare (a): the conception of all men-as-breathing-with-gills, with (not-a): the conception of no-man-as-breathing-with-gills. Taking together (a) and (b) imply a contradiction. If (a) and (b) "are given to consciousness together", he says, "one would not have before one a unified object, since they do not stand in mutual connection with one another. That is, one would not apprehend anything at all".⁶³⁾

This is inconsistent, since (a) and (b) are quite compatible. But if both (a) and (b) are given to consciousness together, surely Hägerström is right that (a) and (b) shade out the whole circle of men. That is, (a) and (b) can both be true only if there are in fact no men. But this is a case of contrary conceptions, not contradictory conceptions. So Hägerström's thinking is confused. If we turn to consider contradictory conceptions and contradictory judgements Hägerström's theory is false.

Hägerström thinks that a comparison of the conceptions of (a) and (b) together involves a contradiction. Hägerström's view is based upon the acceptance of the premise 1) nothing that is distinctly conceivable implies a contradiction, together with the premise 2) whatever we can distinctly conceive as an existing object, we cannot also conceive as a non-existing object; consequently 3) there is no object, whose existence implies a contradiction.

This argument, it seems to me, is valid, that is the conclusion 3 follows from the premises 1 and 2. But the argument is not a sound argument. The crux of the argument is premise 2, which is false, since whatever we can dis-

62) (continued) Kantian doctrine that reality is not a property, cf. Hume, *Treatise of Human Nature*, Book I, Part III, Sec. 6. (p. 66 f.). Kant, *Critique of Pure Reason*, p. B 628 (p. 505).

63) Hägerström, PR p. 53.

tinctly conceive as an existing object, we can also conceive as non-existing. Even Hägerström grants that it is possible to conceive of centaurs, but it does not follow from our conception of a centaur that this animal also is an existing object in space and time.

I conclude that Hägerström's theory of judgement, as far as it concerns negative judgements, is a muddle. - Hägerström claims that it is impossible to have negative judgements about an independent reality. But if negative judgements become impossible, affirmation appears also to stand condemned. From the falsity of (O) follows the truth of (A), and from the truth of (A) follows the falsity of (O). Similarly in case of (E) and (I). Since Hägerström accepts affirmative judgements, it is inconsistent to deny negative judgements. Hägerström's argument is, in effect, that anything we can find to talk about, in a meaningful way, must somehow be there in the world to be discussed. The corollary is that it is impossible to speak of what is not. Thus, Hägerström eliminates negative judgements in favour of admitting only affirmative judgements.

I suggest that the basis for this elimination is Hägerström's thinking that there is a distinction between belief and unbelief. Affirmative judgements express belief, whereas negative judgements express unbelief. This in turn is coupled with his principle of reason that it is obligatory to believe and wrong not to believe. I have already criticized this principle, above Chapter III, Section , and shall not repeat my criticism. Only notice that if you believe, this belief must have an object. Hägerström grants this, but overlooks that the same holds for the case of unbelief.

5. Hägerström's Theory of Judgement: Affirmative Judgements

Turning to affirmative judgements, Hägerström's point of departure is his own definition of the nature of judgement. This is his foundation for his critique of the views of other writers. Hägerström does not specify the precise

identity of his opponents, so it is difficult to test whether these writers in fact "attempt to define the judgement without taking into consideration the reality judged about". Perhaps what Hägerström has in mind, in his critique, is the point of view of the logician in contrast to the point of view of the philosopher. From a logician's point of view the judgement, or perhaps better, the statement or proposition, is an expression of a thought. For him logic is the theory of propositions, i.e. the expression of truth or falsity, and the important thing to investigate is the formal relationship of implication. From the philosopher's point of view the judgement is saying something about the world. For him logic is concerned with inference or the human activity of reasoning, which takes place in space and time and is concerned with reality as the ultimate ground of our judgements. If the theme of logic is the formal relationship between propositions then, I guess, Hägerström's objection is that we are bound to conclude that this study has not anything to do with reality.

For Hägerström, like Bradley, formal distinctions between propositions are superficial and insignificant.⁶⁴⁾ All judgements ultimately have the same form, viz. they assert a unified content of reality. For Hägerström, like Bradley, to infer is to reason. And we reason whenever we come to realize that reality must be what a judgement asserts it to be. The starting point for Bradley is "the judgement, defined as 'the act which refers an ideal content (recognized as such) to a reality beyond the act'. The starting point of logic, then is not the idea taken simply as something 'in my mind' - the 'ideal content' - but the idea considered as having a meaning, pointing to a reality."

For Hägerström, in a similar way, the starting point is the judgement, defined as "apprehension of some state of affairs as real". It is the apprehension which has a meaning, pointing to a reality beyond itself. This is quite clear from Hägerström's examples, adduced to illustrate his

64) Cf. for Bradley, Passmore, *A Hundred Years of Philosophy*, p. 159, and p. 157 for the following quotation.

definition. I quote the passage in full because of its importance:

- "(A) If I think that 'The horse is running', I mean, naturally, that the running itself, as a state of the horse, actually is present and is therefore not merely something which I imagine.
- (B) 'The sum of the angles of a triangle is 180 degrees' signifies that the 180-degree-sum-of-the-angles is something real and not merely an apprehension. It *is* so.
- (C) If I think that I should be honest, I presuppose obligatoriness as something which belongs to honesty as something real, and not merely an apprehension.
- (D) Indeed, even if I make a judgement about something which I know exists only in my imagination, e.g. an animal which is half horse and half dog, and if I assert that what is given in the image is in form both a horse and a dog, what I mean is that this thing given in the image *actually* has partly the appearance of a horse and partly the appearance of a dog. It is indifferent whether or not I myself, who have this image, actually distinguish these formal concepts when the image arises. They are present in my case."⁶⁵⁾

From Hägerström's examples of judgements it emerges that "taking into consideration the reality judged about", the reality in question may refer to three distinct elements, viz.:

- 1) the act of apprehension, that is to say judgement in the sense of somebody judging something, e.g. (C) and (D)
- 2) the content of the apprehension, that is to say judgement in the sense of a representation or image in somebody's mind which defines and determines the direction of thought to this or that particular object, e.g. (C) and (D), and perhaps (A) and (B)
- 3) the object of the apprehension, that is to say judgement in the sense of a thought reference pointing towards a real object which is given for somebody's mind, e.g. (A) and (B).

What has Hägerström precisely in mind, when he renounces every attempt to define the judgement without taking into consideration the reality judged about, that is to say does he think of 1, 2, or 3?

Hägerström's problem is the objectivity of knowledge,

65) Hägerström, PR p. 39 (Hägerström's italics). I have numbered the passages for easy reference.

which is expressed in judgements. For Hägerström it is an important fact that "every consciousness refers to something other than itself". Hence, there is a vital distinction between 1 on the one hand and 2 and 3 on the other hand. Hence, it follows that 1 is excluded from consideration, since 1 refers to the mental or psychological act of the judgement. This is in accordance with Hägerström's view. It is "an incredible confusion of thought", he claims, "to solve the problem of the objectivity of knowledge through a psychological investigation of human consciousness".⁶⁶⁾

If this is a confusion of thought, then Hägerström is himself guilty of that confusion. This emerges from his criticism of "an inclination to regard the judgement as the idea of the 'validity' of that which is comprehended in the judgement".⁶⁷⁾ Hägerström says that "especially at the present time" this inclination is prevalent. It must nevertheless be resisted, he says, because "in all 'validity' one presupposes the reality of a thinking being, for whom the content of the judgement is valid".⁶⁸⁾

But, of course, the logician need not and does not deny that. He is only insisting on the distinction between the psychological act of thinking and the content of thought. It is the latter, not the former, which it is the proper concern of the logician to consider. He would reject, as 'psychologism', all reference to the psychological processes of the thinking being.

So Hägerström has involved himself in a manifest self-contradiction. Hägerström mentions another attempt to define the judgement as "the idea of the value of a certain way of apprehending (an object)". But this attempt also fails according to Hägerström, since this definition "presupposes that one thinks of the value in question as really present. It is likewise presupposed that one is thinking of conscious beings for whom the value holds. And one cannot maintain, without arguing in a circle, that the reality of these beings signifies only that it is of value

66) Hägerström, PR p. 35.

67) Hägerström, PR p. 41.

68) Hägerström, PR p. 41. The following quotations are from p. 40.

to conceive them".

What is wrong with this attempt, then, is that it takes the individual, and what is of value for him, into account. But this is irrelevant for a definition of judgement which has nothing to do with the individual's apprehension, but is only concerned with impersonal thought.

Leaving element 1 out of account, which Hägerström also admonishes us to do, I turn to a consideration of elements 2 and 3.

Does Hägerström, by his thesis that "every judgement is an apprehension of some state of affairs as real", think of element 2 or element 3? If Hägerström thinks of element 2, then the nature of judgement is considered from an individual's point of view, that is to say his mental images. This in turn implies that psychology is the basis for the objectivity of knowledge. The only instrument in an investigation is introspection or self-observation of the mental images which are present in man's consciousness. Following this procedure of self-observation the claim is that it is possible from man's consciousness or mental images to infer the existence of external objects. This approach is tantamount to subjectivism, i.e. "the view that consciousness itself is the immediately given and that knowledge of objects is mediated through this immediately given - that the object is merely an abstraction from the latter".⁶⁹⁾

Since Hägerström is strongly opposed to subjectivism, he must, if consistent, renounce the attempt to define the judgement in terms of element 2. In fact he does insist on the distinction between element 2 and element 3, that is the distinction between the content of an apprehension and the object of an apprehension. If element 2 (the content) and element 3 (the object) are identified, then my mental image of "the-horse-is-running" is identified with the external object: the horse which is running. The effect of this identification is that "the horse which I apprehend is only an image, that is the apprehension in which it is

69) Hägerström, PR p. 51.

given to me belongs to it as a property".⁷⁰⁾ According to Hägerström this is a contradiction, since

"the real horse, indeed, has the same properties as the horse which I apprehend, while yet not being identical with the real horse. However, the 'reality' of the horse cannot be determined in any other way than by means of the assertion that there is something, which is not the same as that which is given in my apprehension."

Hägerström's argument is that my mental image is one thing, the object of the image is another. What is present to consciousness is for example a living object, the horse, which is solid, figured and moveable. The horse, as an object, cannot possibly be a constituent of a mental apprehension. Hägerström's claim is that the horse "can be immediately apprehended in its reality", and the horse "in its reality" cannot be determined in any other way than by means of the judgement in the sense of element 3, that is as a thought reference. If anyone judges that the horse is running, then the horse is actually running, for judgement involves thought, and thought requires an existing or real object. This is the reason why Hägerström rejects the attempts to define the judgement as "an apperceptive combination of ideas (Vorstellungen)".⁷¹⁾

Hägerström's criticism of this view is that a combination of ideas can only be "an occasion for a judgement to arise, it cannot be the judgement itself". The "judgement itself" does not, then, consist in the application of one idea (the predicate, e.g. "... is running") to another idea (the subject, e.g. "the horse"), since the judgement, in sense of element 3, is a single determinate content "on the basis of which we apprehend something as real", e.g. "the horse-is-running" or "reality is such that the horse is running".

70) Hägerström, PR p. 39. Hägerström uses the word "table", which I have substituted with "horse", in order to refer to Hägerström's example of judgement (A).

71) Hägerström, PR p. 40. Sandin translates "Vorstellungen" as "concepts" but I think that "idea" is better, and, in fact, Sandin later also translates "Vorstellung" as "idea". - Also here the following two quotations.

If I have understood Hägerström's investigation of the nature of the judgement, then Hägerström's claim is that every judgement holds together a diversity, but there is an underlying identity for this diversity, viz. reality. Thus, Hägerström, like Bradley,⁷²⁾ emphasizes that every judgement holds together a diversity, e.g. the horse on the one hand, and its movement on the other, but also that every judgement is a species of identity - an equation - as for example the judgement (B), "the sum of the angles of a triangle is 180 degrees". The identity between the terms, e.g. the horse and its movement, and the triangle and the sum of its degrees, is not a relation between its terms, since "the concept of relation is a metaphysical concept".⁷³⁾ The identity between the terms consists in the fact that in the judgements "one is conscious that, ... the content of the conception (Vorstellung) appears not only in the conception (Vorstellungsinhalt), but also in the complex to which the conception (Vorstellung) belongs".⁷⁴⁾ The complex to which the conception belongs is, for Hägerström, reality or "the world of experience in space and time", see below Section 6.

Hägerström's theory is hardly satisfactory, since he still accepts that there are images in the mind, which somehow act as medium between the mind and the object. Why does Hägerström think that it is necessary to have images in order to judge? The answer is the result of his theory of the intentionality of consciousness, requiring that the mental act of judging must be directed toward some object. So 'object' for Hägerström denotes a) image as a psychic element, and b) thing as a non-psychic element. It is by upholding (a) and (b) and claiming the objectivity and independence of things about which we think and speak that Hägerström opposes the subjectivism of idealism and empiricism. Does Hägerström succeed in his opposition? I think not.

If Hägerström says that there must be an image of the

72) Cf. Passmore, *A Hundred Years of Philosophy*, p. 159.

73) Hägerström, PR p. 45.

74) Hägerström, PR p. 42.

animal present in his mind, and if he means, by this way of speaking, that we must have a distinct concept in order to judge, then there is no fault in his analysis. But it seems to me that Hägerström is saying more than that. He infers from this that there is really an image in the mind, which is distinct from the operation of conceiving the animal. This, however, is a mistake. It is, as Reid says, to be misled by an analogical expression: "as if, from the phrases of deliberating and balancing things in the mind, we should infer that there is really a balance existing in the mind for weighing motives and arguments".⁷⁵⁾

No doubt, Hägerström has been misled by his own analysis of the nature of judgement, according to which there must always be an object to take into consideration. The object, in judgement (D), is purely an operation of my imagination, and to speak of an image of the object is just another way of saying that we have a distinct conception of it. However, Hägerström does not stop here, but infers, based upon his claim that thinking requires an existing object, that there must be an existing object, hence the need for the image. The argument is valid, but not sound, since the premise that thinking requires an existing object is false.

What is worse for Hägerström is that in case of the judgement (A), where I think that the horse is running, Hägerström implies that we cannot think of the horse as running, unless we have in our apprehension an image of the horse running as distinct from the external situation, where the horse is actually running. This in turn implies that there are two objects of my thinking that the horse is running, one object which is immediately present in my mind, viz. the image, and another object of the same thought, viz. the external situation of the horse, which is running. So every thought of external objects has a double object, viz. the image and the object distinct from the image. By contrast every thought or judgement of internal objects of

75) Reid, *Essays on the Intellectual Powers of Man*, p. 421.

the imagination has only one object, viz. the image. The latter judgement is not, properly speaking, a judgement, since there is no reference to an external object. Properly speaking, for every real judgement there is an image present in the mind, and a reference to an independent object.

But Hägerström claims that we have direct and immediate access to objects, in the sense of external things in space and time, e.g. judgement (A) and (B). But judgement (A) and judgement (B) are judgements belonging to different categories. Judgement (A) is an empirical judgement, a categorical judgement which asserts existence, and therefore requires a reference to an existing horse. Judgement (B) is a geometrical judgement of identity, which neither asserts nor requires the existence of anything. Hägerström, it might be objected, confounds the 'is' of predication and the 'is' of identity.

That this is the case is confirmed by Hägerström's treatment of the concept of number. If it be true that whatever is objective must exist in space, then the concept of number must be treated either as spatial, as a group of marks on paper, or else as subjective ideas. It cannot be the latter, hence the concept of number for Hägerström "signifies a sensibly given difference" of objects in space.⁷⁶⁾

Hägerström's analysis of judgements is an analysis in terms of ideas. Hägerström's mistake is to reify the image, making it a special mental entity inside the mind. This is wrong, because this is to confuse psychology with epistemology. A man's claim to understand a certain word, or to have a concept is to be established, not by an investigation of his mind to see whether there are any images, but by finding out how he uses the word or the concept. An "image in the mind" then is equivalent to a concept. To judge that there is a horse without using concepts is impossible, just as to perceive a horse without having the concept of horse is impossible. It does not follow, however, that we have some image of a horse in our mind in order to judge or perceive,

76) Hägerström, PR p. 48. See for Frege's rejection of this view, Passmore, A Hundred Years of Philosophy, p. 148.

as Hägerström thinks.

Hägerström's analysis of the nature of the judgement is that if anyone judges that a thing exists, then it does exist, for judgement involves thought, and thought requires an existing object. In one interpretation this is a truism, since in every kind of thought there must be some object, i.e. a distinct concept, thought of. On another interpretation it is an untruth, since we may have a distinct conception of things, which never existed, e.g. the animal which is half dog and half horse. Hägerström seems to be committed to the view that an affirmative judgement about a thing implies a presumption of its existence in the mind as conception, and in the real world as object. But this theory is false. Hägerström's theory of judgement, I conclude, should be rejected.

6. Hägerström's Theory of Truth

According to Hägerström, we must investigate the nature of judgements and the reality judged about. This inquiry is separately linked. You cannot understand judgements without taking the reality judged about into consideration, and you cannot understand something, which is real, without taking the judgement into consideration. Given that a judgement must always have an object, no question of a judgment utterly failing to correspond to some reality can possibly arise. This is Hägerström's argument. "Every judgement is an apprehension of some state of affairs as real".⁷⁷⁾ And if we ask whether the judgement is true, Hägerström's answer is that "the truth of a judgement is the same as the determinateness of the content or its non-contradictoriness".⁷⁸⁾ Or, as Hägerström puts it, "the truth of the judgement is the reality of the thing". This is Hägerström's theory of truth which claims that "in itself every judgement is true".⁷⁹⁾

This is, of course, a very convenient theory. I have argued above, Chapter III, Section 4, that Hägerström be-

77) Hägerström, PR p. 39.

78) Hägerström, PR p. 314; the next quotation is from p. 313.

79) Hägerström, PR p. 50.

believes with Hegel that all that is reasonable is real. This means, in turn, that all that is reasonable must conform to reality, and therefore must be true. Truth develops in the same way as thinking or reason develops, and everything that appeals to thinking in its latest stage of development must also be true for that stage. In other words, since Hägerström's thinking is the final stage of development, everything he thinks must be true. Thus, we have Hägerström's theory that every judgement is true.

I wish, in this section, to examine Hägerström's theory. Hägerström insists on a distinction between thinking and the object thought about. I shall argue that Hägerström confounds this distinction and ends up with the unity of thinking and the object thought about.

Hägerström's theory is, of course, true, if by "judgement" is meant that there is a person who judges. To take an example: my judgement is that the cat is on the mat. Of course my judgement is true in the sense that I put forward a judgement to the effect that there is a cat on the mat. This is a truism. But this does not settle the question whether my judgement, in the sense where it refers to the cat on the mat, is true as well. This is to recognize the distinction between judging as a mental operation and the object judged about, which Hägerström also wishes to uphold,

In this respect Hägerström's theory that every judgement, in the sense of proposition put forward, is true may mean that he holds that every proposition has a truth-value. This is, of course, unobjectionable, but it still does not settle the question whether my proposition about the cat on the mat is true or false. It only says that my proposition must be one or other.

This is not Hägerström's theory. When he holds that every judgement is true, then this amounts to a denial of the possibility of false judgements. Thus, my proposition "the cat is on the mat" is either a true judgement or no judgement at all. This implies that the word "true" is redundant, since every judgement is, by definition, a true judgement. The word "false", as applied to judgements, is

a misnomer, since, again, it is, by definition, logically impossible for a judgement to be false. This is a remarkable doctrine, but it is a false doctrine, and this I shall try to show by considering Hägerström's argument.

For Hägerström the act of judging is always directed towards an object. The object is, in turn, described by Hägerström as "the reality of something".⁸⁰⁾ The phrase "the reality of something" is, of course, the key-phrase. And it turns out that Hägerström by this means "the object which is the content of the judgement as an idea of the object ... is at the same time reckoned as belonging to the spatial complex".⁸¹⁾ Hägerström uses the word "reckon" - in German "rechnen" - which means "to perform a mathematical calculation without suggesting the manner of calculation". To reckon the reality of objects for Hägerström depends also upon an immediate sense of reality accompanying every act of cognizing an object. This sense of reality is designated by Hägerström by such terms as "the feeling of certainty", or "the logical feeling of evidence", or "the world of experience in space and time", or "thought in the proper sense".⁸²⁾ For this sense of reality every judgement is directed towards what is and constitutes true judgements, since in such judgements "something determinate is always given as real".⁸³⁾ By contrast, a false judgement is directed towards what is not. Only true judgements have to do with reality. Never false judgements. That a judgement is false "has nothing at all to do with the question of reality", Hägerström claims.⁸⁴⁾ This is a remarkable argument, because it implies that a false judgement is never a judgement. Hägerström's theory is a step backwards to Plato's dialogue Theaetetus.⁸⁵⁾

Hägerström's argument is: to think what is false is to think what is not; but that is to think nothing; and

80) Hägerström, PR p. 39.

81) Hägerström, PR p. 49.

82) Hägerström, PR p. 60, 55. 54.

83) Hägerström, PR p. 51.

84) Hägerström, PR p. 49.

85) Cf. F.M. Cornford, Plato's Theory of Knowledge, London 1935.

that, again, is not to think at all: therefore we can only think the object that is, and all judgements must be true. To explain anything is to demonstrate by judgements that it cannot be other than it is. To demonstrate this is to reveal the place of what is to be explained within "the universal continuum of experience".⁸⁶⁾

The objection to this argument is that on this view erroneous thinking will not be thinking at all. But clearly, erroneous thinking is a species of thinking. So Hägerström's argument must be rejected.

Hägerström tries to save his argument as follows. If people utter false judgements they are, strictly speaking, uttering true judgements about "another real thing".⁸⁷⁾ Hägerström's view is that if anyone is thinking, then there must necessarily be an object of thought. True thinking is directed towards real objects, whereas erroneous thinking is directed towards imaginary objects. The consequence is that "for every individual, his world of experience, given in every case, is *the* continuum. Even the world of dreams can serve as *the* continuum".⁸⁸⁾

But there clearly is a difference between the world of dreams and the world of reality. To revert to the example, previously mentioned above p. 232, of Hägerström's discussion of the relation between his working-room and his garden, Hägerström asserts:

"The fact that the room *as such* is not connected with the garden implies only that its reality does not face the garden. And this is certainly true, for the reality of a matter of fact cannot itself be limited."⁸⁹⁾

The room is clearly a matter of fact, and I fail to see that it cannot be limited. The garden, again, is a matter of fact, and it is limited as well. And even Hägerström does acknowledge that if a thing is material then it is finite.⁹⁰⁾ Of course Hägerström may dream that his room as

86) Hägerström, PR p. 61, cf. INLM p. 267.

87) Hägerström, PR p. 49.

88) Hägerström, PR p. 56 (Hägerström's italics).

89) Hägerström, PR p. 47 (Hägerström's italics).

90) Cf. Hägerström, PR p. 227.

well as his garden cannot be limited. If we follow Hägerström's theory of truth, his judgement: "my garden is unlimited" is true. Suppose that I wish to dispute Hägerström's judgement. Then my judgement, to the effect that it is not the case that Hägerström's garden is unlimited, is also true. Hägerström's garden has a boundary, and faces my garden. Confronted with these two opposing judgements or propositions, call them AH and JB, we ask the philosopher Hägerström for advice. His reply is

"two judgements, one of which denies what the other affirms, must have for their contents different worlds, which do not cohere with each other".⁹¹⁾

This is false, since, to quote Reid

"every proposition that is necessarily true, stands opposed to a contradictory proposition that is impossible; and he that conceives one, conceives both".⁹²⁾

If we are to contradict each other, we must at least presuppose some kind of common system or reference as to whether there is or is not a garden, and a limit to that garden. We must refer to the same place within the same system of space. Hägerström's position is then either that contradiction is impossible, in which case his analysis of truth ends in subjectivism, or that contradiction is after all possible, in which case his analysis of judgements amounts to objectivism.

According to Fries' commentary to Hägerström's "Selbstdarstellung" "Hägerström holds that one can never contradict oneself in the traditional sense".⁹³⁾ Hägerström must then offer an explanation of his use of the word. He does not, and neither does Fries. If this is Hägerström's considered doctrine, then he ends in subjectivism.

Hägerström then contradicts himself, in any case if "contradiction" is used in the normal sense. Hägerström claims that subjectivism is not-true. It follows that ob-

91) Hägerström, PR p. 43.

92) Reid, *Essays on the Intellectual Powers of Man*, p. 433.

93) Fries, in Hägerström, *Filosofi och Vetenskap*, p. 261. - Fries' argument is that this is self-evident once "the idea of the substantial reality of the logical subject is denied" as Hägerström does.

jectivism is true, in which case Hägerström's theory of truth collapses. If we follow Fries' interpretation of Hägerström, then Hägerström also claims that subjectivism is true, since one can never contradict oneself. "There is a surreptitious logical mistake here" to quote Hägerström's remark from another context.

Considering the judgements AH and JB Hägerström is committed to taking "into consideration the reality judged about". The question is whether

- (I) the reality judged about in judgements JB and AH refer to the ideas of the situation, in my mind and Hägerström's mind respectively,

or whether

- (II) JB and AH refer to what there is, independently of our minds, viz. the existence of the garden and its limits.

If (I) is the case, then of course Hägerström is right that we do not contradict each other, since I am talking about my idea, and Hägerström is talking about his idea. The reality in question is, however, "subjective reality", to use Hägerström's phrase,⁹⁴⁾ and "reality itself ... cannot be determined as subjective", Hägerström declares.⁹⁵⁾ It follows then that Hägerström must reject (I), since it for him leads to the absurd conclusion that "knowledge has itself for its object".⁹⁶⁾ In fact Hägerström's theory leads him exactly to this position, which involves him in a manifest self-contradiction.

But we must consider (II). The judgement JB and Hägerström's judgement AH cannot both be true, or both be false. Either JB is true and AH is false, or AH is true and JB false. How do we establish which of the two judgements JB and AH is the true one? Hägerström is not very helpful in this respect, since "in general it is meaningless to ask whether the reality of the thing determined in a judgement is itself real".

The reason why it is "meaningless" is, I think, that

94) Hägerström, PR p. 48.

95) Hägerström, PR p. 49.

96) Hägerström, PR p. 50. - Here also the following quotation.

for Hägerström a judgement presupposes "the reality of something". But, as I have argued, this is either a truism or an untruth. If taken as a truism, the question remains to be decided whether there is, in fact, a limit to Hägerström's garden. If taken as an untruth, then the question whether there is a garden or not is settled. As far as I am concerned it is the case that there is a limit to the garden, as far as Hägerström is concerned it is not the case that there is a limit to the garden. But this settlement of the discussion amounts to the subjectivism, which Hägerström rejects. The way out for Hägerström is to acknowledge that there is, after all, the possibility of contradiction between the judgements JB and AH, if these judgements are the elements of a third judgement JA, and so on. The way out is then objectivism, but it is bought at a high price. Only if one has "discovered the only comprehensive and internally coherent whole to which every possible determinate thing *must* belong",⁹⁷⁾ is it possible for a person to apprehend what is real, as distinct from what is appearance. If one has discovered this whole, then "it is clear that this is given to consciousness immediately", and "one would have ... before one a unified object". This "unified object is the natural expression for a unified consciousness" expressing itself in true judgements.⁹⁸⁾ If one has not this unified consciousness "one would not apprehend anything at all". This is the Hegelian theory that the truth is only realized in the form of a single and all inclusive system, which Hägerström calls "the world of experience in space and time". Hägerström's assertion is that for this unified consciousness only it is the case that every judgement is true. That is to say, Hägerström endorses the Hegelian view that "truth is simply the unity of concept and existence".⁹⁹⁾

However, this unity cannot be thought apart from conscious beings. It follows that Hägerström thinks that there are persons who are in possession of this unified conscious-

97) Hägerström, PR p. 53 (my italics).

98) Hägerström, PR p. 65, cf. p. 53.

99) Hegel, Philosophy of Right, § 280, p. 185.

ness. Hägerström himself thinks he has this unified consciousness.

The dispute between me and Hägerström can then easily be settled. And the result is as follows. My judgement JB is expressed in the words: Hägerström's garden is limited. According to the philosopher my judgement "is meaningless with regard to given facts - the idea that to these words there corresponds a unified idea is subjective".¹⁰⁰⁾ Hence it must be discarded in favour of the judgement AH, since this is expressed in words with a unified idea behind. That is to say, the unlimited character of the garden "of course, is present in the idea of the garden and to that extent belongs to the universal continuum of experience".

My objection to Hägerström is that according to the universal continuum of experience, to use Hägerström's phrase, the reverse is the truth. Hägerström's judgement AH is simply false, and it follows then logically that my judgement JB is true. When Hägerström upholds his theory that every judgement is true, then he refers to persons, not to objects. My objection is based upon the fact that this is false, since contradictory judgements do not refer to persons, but to objects. Hägerström has confused himself by his own theory, since it is obviously the case that the judgement AH and JB are incompatible, and whatever Hägerström may choose to ordain, his judgement AH is, and remains, false.

7. The Scientific World-Picture

For Hägerström there is a contrast to be drawn between "the universal continuum of experience" or the "scientific world-picture" on the one hand and the particular continuum of experience or the "unscientific world-picture" of individuals on the other hand. This is the difference between reality and appearance, between fact and fancy, between truth and falsity. In upholding this contrast Hägerström resorts to the idealist doctrine of degrees of truth. Let

100) Hägerström, PR p. 61 for the quotations - I have replaced "garden" by "gold".

Hägerström speak for himself to make this obvious:

"That the scientific world-picture is the true one, in comparison with the unscientific, implies only that the former construes the latter, with regard to new contents of consciousness, as merely a member of a more comprehensive continuum. By no means is the latter thereby made void. Only the metaphysical 'world-view' must be determined as void, on account of the complex of feelings and representations which lies at its foundation. For in this view, under the influence of this complex, one constructs meaningless combinations of words and yet believes that the words have a meaning."¹⁰¹⁾

Ultimately reality for Hägerström is a system of judgements, and Hägerström identifies true judgements and reality.¹⁰²⁾ It is my thesis that Hägerström defines truth in terms of the coherence of judgements with one another to form a single and harmonious system. There are therefore degrees of reality and degrees of truth with a system of judgements cohering by internal relations, and the truth of a judgement reflects its place in the system. Thus, I claim that Hägerström contradicts himself, when he asserts that "reality itself has no degrees".¹⁰³⁾

For Hägerström the concept of reality is a logical requirement for knowing the truth. He asks the question what is required for a person to have knowledge. The answer is that the concept of reality is a necessary requirement. Thus, a person having knowledge must relate his judgement to reality. If the concept of reality is logically necessary for a person's knowledge, then Hägerström's thesis is that if there is knowledge, then there is reality. This is equivalent to the thesis that if there is no reality, then there is no knowledge. Knowledge is expressed in true judgements.

What is then the criterion of the truth of a judgement? How can we distinguish between truth and error? Hägerström's answer is that a person's judgement, e.g. "there is a cat on the mat" (p), is true if it describes an actual state-of-affairs, i.e. that there is a cat on

101) Hägerström, PR p. 56.

102) Hägerström, PR p. 313 f., cf. the Hegelian view that to be real and to be thought of are the same thing, cf. above p. 105 and p. 133, below p. 364.

103) Hägerström, PR p. 53.

the mat. - To claim that (p) is true is for Hägerström not merely to say that (p) corresponds to, or is a picture of, some external object or event, but also to state (p's) relation to other judgements in a logically coherent system of judgements which represents the true order of causal relations in nature. When a person's judgement is rejected as false, this implies that his judgement does not fit into the system of order or does not cohere with other judgements in relation to a more comprehensive system of judgements which more adequately represents the order of objects. Hägerström identifies true judgements and reality.¹⁰⁴⁾ This is equivalent to identifying knowledge and reality.

Thus, Hägerström rejects the view that a judgement is true when it corresponds to reality. This view is known as the correspondence theory of truth, which states that there is a contrast between the judgement (p): there is a cat on the mat on the one hand, and the reality of there being a cat on the mat (r), which (p) affirms or denies, on the other hand.

Hägerström rejects this theory, because it is impossible to compare (p) and (r). There cannot be any resemblance between (p) and (r). As Hägerström writes that he rejects the view "that reality means something different from what is apprehended, with which the apprehension may be compared".¹⁰⁵⁾ What, then, if not (p's) correspondence to reality, is the distinguishing characteristic of a true judgement according to Hägerström?

The standpoint he adopts is the coherence theory of truth, although he does not use this label. By his acceptance of this theory Hägerström is a follower of the rationalist tradition. According to the coherence theory of truth, a judgement is true if it coheres with other judgements within a system of other judgements constituting "a logical unity".¹⁰⁶⁾ Or to use Hägerström's own words "Every possible

104) Compare in this respect the view once held by G.E. Moore to the same effect, Passmore, *A Hundred Years of Philosophy*, p. 203 f.

105) Hägerström, PR p. 50.

106) Hägerström, PR p. 45, and p. 53 f.

determinate thing must belong to a comprehensive whole, besides which none other can be discovered". This comprehensive whole is what Hägerström calls the world of experience in space and time.

Thus, if asked to test whether the judgement (p) that there is a cat on the mat is a true judgement, Hägerström's reply is not "you look and see, and if what you see corresponds to your judgement, then your judgement is true". This reply presupposes, Hägerström claims, "that something determinate is ... given as real". This claim, in turn, presupposes another judgement or set of judgements determining the truth of the original judgement that the cat is on the mat.¹⁰⁷⁾ What provides the verification of the judgement (p) is the coherence between this judgement and other judgements as "common members of that coherent unity to which the judgements themselves belong".¹⁰⁸⁾

According to Hägerström, then, to say that a judgement is true is to say that it is a member of a system, whose elements are related to each other by ties of logical implication. And to test whether a judgement is true is to test it for coherence within a system of judgements by applying the principle of non-contradiction.

Every person, Hägerström says, has his own "world of experience" and relates his judgement to his own system of judgements based upon sense-experience and memory. Even the child, as soon as it learns to think and to use a systematic language, is conscious of itself as living in a world in which it distinguishes itself from what is external to it.¹⁰⁹⁾ But knowledge, as Hägerström sees it, following Kant and Hegel, is architectonic. It involves having a more or less coherent picture of the world. The child moves from a narrow picture of the world to a more comprehensive view of the world. The child must use a system of concepts in order to organize its sensations into a coherent experience of a coherent world. But children, and this applies for

107) Hägerström, PR p. 51.

108) Hägerström, PR p. 43.

109) Cf. Hägerström, EE p. 14.

many adults as well, do not and need not reflect upon the concepts they use. Many persons use concepts without analyzing them and this may be the occasion for their failure to see the world as a coherent and intelligible world. Error is a matter of having relatively incomplete knowledge. The individuals do not have complete and coherent knowledge of the world and their illusions and errors must be replaced by scientific knowledge, where judgements are placed "in a larger context, which involves a transition to a larger, not a lesser, domain of content".¹¹⁰⁾ Our common-sense knowledge, which is inadequate and confused must be absorbed and replaced by a larger system of scientific knowledge, which reveals more of the causal chains in nature and society, cf. the quotation above p. 270. In scientific knowledge our sentences are meaningful and express judgements. These judgements, in turn, become more and more logically coherent, and so we can be said to understand more and more fully the true order of causes in nature and society. The system, then, in which all true judgements must cohere is for Hägerström the system of scientific knowledge, which constitutes the single all-inclusive system of logically coherent judgements. In the end, the highest level of knowledge is for Hägerström "the intuitively given reality of the object, which transforms apprehension into cognition". This cognition yields a unified science, in which "reality as self-identity is the very validity of all knowledge and in sense the immediately given".¹¹¹⁾

Hägerström's plea for a unified science has nothing to do with the similar claim of the logical positivists. They advocate the principle of the unification of sciences based upon sensations. For the logical positivist the world is constituted by sensations. Hägerström's plea is based upon the view that the same method must be applied in all sciences, this is the method of studying causes as necessary relations between events. For Hägerström the world is

110) Hägerström, PR p. 52.

111) Hägerström, PR p. 51. Also here the next quotation.

constituted by necessary causes.

Hägerström's theory of truth and the dependent theory of the world as a coherent order are put forward to show man's place in the world as a thinking being. Hägerström's argument is that this must be understood, and once understood, there is the possibility of man's complete happiness and escape from error and superstition.

In this respect Hägerström's philosophy is linked simultaneously to two divergent tendencies, the tendency of extreme rationalism which asserts that we do not need to be taught what genuine knowledge is, because we all necessarily possess some standard of truth, and the tendency of extreme empiricism, which asserts that we do need to be taught what genuine knowledge is. For the rationalist, the truth is already within us, but we fail to realize this by the influence of passions. For the empiricist, we are strangers to truth, which must be brought from outside, cf. above Chapter III, p. 142.

For the rationalist, one may learn science from this or that teacher, but the question of the truth of a judgment is independent of the question from whom we learned it. For the empiricist, the situation is not so. Since the truth must be brought from outside, it will follow that the moment at which we learn the truth and the teacher from whom we learn it will not stand in a merely accidental relationship to us. Hägerström on the one hand claims that the truth is within us. On the other hand he also thinks that it is his mission to bring the truth to us from the outside. He must transform human beings who do not know the truth into beings who are acquainted with it. It is impossible to conceive of any greater task. It is the task of subordinating the individual to the authority of reason.

For the rationalist, in contrast to the empiricist, knowledge and its object are essentially one. On the one hand Hägerström insists on the distinction between the knowing mind and the object known, but on the other hand the knowing mind and the object known are, at least for an absolute unified consciousness, inseparable aspects of a

single unified experience, or "thought in the proper sense". For this "unified consciousness" the truth of a judgement put forward is determined by its coherence with other judgements to form a comprehensive whole besides which none other can be discovered.

But notice that Hägerström's claim rests upon the ambiguous judgement (p) "If one has made a discovery (q), then it is clear that this is given to consciousness immediately". Call the antecedent (p), and the consequent (q). Then Hägerström's claim is: if (p), it must be the case (necessarily) (q). But Hägerström's claim is ambiguous between: a) necessarily (if (p) then (q)), and b) if (p), then (necessarily) (q). Of course (a) is a truism: necessarily if anyone makes a discovery then this discovery is given immediately to one's consciousness. Thus (a) is true. But it is far from true that if anyone claims to have made a discovery then it is necessarily the case that one actually has made a discovery. Thus (b) is an untruth.

Again, Hägerström claims that on the basis of "the universal continuum of experience in space and time", what we judge must be true. This formula is ambiguous, since it is either a truism: necessarily if Hägerström judges that something is the case, then Hägerström judges that something is the case; or false: if Hägerström judges that something is the case, then necessarily something is the case.

For Hägerström, what we know must be true, which again is either a truism or false. The truism is: necessarily if anyone knows something, then it is true. The false position is if anyone knows anything, then it is a necessary truth.

Hägerström's doctrine is based upon the assumption that knowing is equivalent to being in an infallible state of mind. The ground for this assumption is that if one knows something to be true, then one cannot be mistaken. For Hägerström, for an object to be known the object must be such that no one could be mistaken about it, or such that the facts could not have been otherwise. It follows that for Hägerström all truths are necessary truths.

The objection is that this is not the case. Hägerström

ignores that there are also contingent truths expressed in empirical judgements. But for Hägerström all judgements are, properly speaking, analytical judgements. This is Hägerström's scientific world-picture, which is based upon the thesis of internal relations.¹¹²⁾ This thesis holds that nothing but the world as a whole is independent of everything else and everything in the world is in its real nature. For, Hägerström holds, we do not fully know anything until we know all of its relations to other things. As against the view, which is held by ordinary people, that things, to be identified and classified by the set of their defining characteristics as opposed to their accidental characteristics, stand in various external and contingent relations which are not part of the definition of things, Hägerström holds that the true definition of a thing contains all its qualities and relations. Hence there can be no distinction between a thing's defining characteristics and its accidental characteristics. To understand anything properly we must know everything about it; in effect everything whatever. It follows that it is necessary to have true knowledge to know the true definitions of things. We have only to use a phrase from Hobbes, "to examine the definitions of former authors" and correct and replace their definitions with the correct definitions.¹¹³⁾ This is also Hägerström's approach. His approach makes, in effect, any empirical inquiry into objects in the world impossible.

Hägerström's scientific world-picture is based upon thinking, but his view leaves no room for observations of what actually happens, or for predictions of future events. Hägerström's scientific world-picture aspires to present the case for the pursuit of genuine scientific knowledge, but it is rather a case for the determination of scientific knowledge.

Hence I hope I have vindicated my claim, made above p. 229, that not only feeling but also thinking can lead

112) Cf. for a survey, C.A. Ewing, *Idealism*, Ch. IV.

113) Hobbes, *Leviathan*, Part I, Ch. IV, p. 105.

us astray. Hägerström's scientific world-view implies an omniscient and infallible being, and this given, it follows that any judgement he makes is true. The final objection to this view is that Hägerström is a man, and all men are fallible. Given this, nothing follows about the truth or falsity of any particular judgement Hägerström makes. His judgements must be examined and accepted, not in the light of their origin but rather in the light of the reasons available for or against his judgements.

8. Hägerström and Parmenides

For Hägerström it is vital to follow the right path of knowledge, and it is just as vital to abandon the wrong paths of ignorance and superstition. And the right path is the straight way of truth, not the crooked way of falsity.

Hägerström is at the crossroad, and so, he claims, are the rest of us. Hägerström has also discovered the right path, and this is expressed in his philosophy as a signpost leading us toward the end of a rational understanding of the world. The right path is the logical way, i.e. Hägerström's thesis: "the completely logical character of sensible reality".¹¹⁴⁾

Ordinary people and their ways of seeing the world do not amount to genuine knowledge, because their opinions are based upon unsatisfactory or unknown causes, and these opinions lead them to pursue the wrong ways. By contrast Hägerström's philosophy and way of seeing the world is based upon satisfactory and known causes. Hence his thesis.

Hägerström's thesis recalls the ancient idea of Parmenides that there is a harmony between thought and action, knowledge and reality, or so I shall claim in this section.¹¹⁵⁾

Of course, there is a difference between the writings of Parmenides and Hägerström, Parmenides writes in epic verse, Hägerström writes in philosophical prose. The common

114) Hägerström, PR p. 37.

115) For Parmenides I am very much indebted to Jonathan Barnes, *The Presocratic Philosophers*, London 1979, vol. 1, Ch. IX. I refer once and for all to this chapter; I have borrowed from Barnes the appropriate archaic phrases he uses in his rendering of Parmenides' ideas.

element in their writings is, however, an aim to write the truth, not malicious fables. Neither Parmenides nor Hägerström tolerates any semblance of contradiction, they both want to establish everything in a perfect and rational manner. And both claim an authority for their teaching and writing the truth. The truth for Parmenides is expressed by appealing to the most self-evident principles:

(1) what is, is,

(2) there is no Not-Being.

His thesis is "what can be spoken and thought of must be". Parmenides, too, is at the crossroads faced with three ways of inquiry about objects: the way of opinion (WO), the way of ignorance (WI), and the way of truth (WT).

There is the way of opinion (WO), along which mortals wander, concerned with both that it is and that it is not. (WO) is paved with falsity and consequently this cannot be the right way.

Next, there is the way of ignorance (WI). (WI) is paved with no news, since it is concerned with both that it is not and it is necessary for it not to be. This is a way of track beyond all tidings, and hence cannot be the path to follow either.

Finally, there is the way of truth (WT). (WT) is concerned with both that it is, and that it is not for not being.

These three ways are exhaustive, and since the first and the second way are ruled out, there remains only the third way. This way presents the secure path of scientific research: The correct way of inquiry about any given object is to assume that the object, whatever it may be, exists. (WT) states the thesis, mentioned above, i.e. whatever we inquire into exists, and it cannot not exist. The question is, whether this thesis is true; I shall revert to this shortly.

What I wish to do first is to point out that Hägerström makes a quite similar classification of roads of inquiry, i.e. the way of ordinary consciousness (WO), the way of spiritual consciousness (WI), and the way of scientific

consciousness (WT). The ways of (WO) and (WI) are "the two roots of metaphysics". Hence (WO) and (WI) are "incorrect points of departure" leading to "a confusion in human thought".¹¹⁶⁾

The way of ordinary consciousness (WO) is the way of epistemological realism. It is based upon sensation and gives only incomplete or partial knowledge. Its starting point is reality, its end is to determine reality itself as a definite real thing. As one proceeds on this way there is "a confusion in human thought", so one ends in "reality-metaphysics", or "scholasticism".¹¹⁷⁾ If an object is studied, then the object must exist. For (WO), however, the object is there, and it is not there.¹¹⁸⁾ There are ideas in our minds, but we cannot transcend the veil of our own ideas, and thus we end in "the completely unintelligible, the "thing in itself", which nevertheless is regarded, inconsistently, as accessible to the apprehension". So this way is only the way of opinions, not the way of knowledge.

Next, there is the way of spiritual consciousness (WI). This is the way of epistemological idealism. It is based upon feeling and gives no knowledge at all. Its starting point is the self, its end is that reality itself is not determinable. And proceeding on this way one inevitably ends in "I-metaphysics", or "mysticism". If an object is studied, then the object must exist. For (WI), however, the object does not exist at all, only the ideas in my mind exist. Hence, the real world becomes an appearance. This is, indeed, the way of track beyond all tidings. This way gives no knowledge.

We must turn away from (WO) and (WI) as bogus ways of achieving knowledge. (WO) is wrong, because reality itself cannot be a specific reality nor become an object for thought. (WI) is wrong, because self-consciousness cannot be a specific reality nor become an object for thought. It follows for Hägerström that we must enter upon the secure path of

116) Hägerström, PR p. 60, p. 216, and p. 211.

117) Hägerström, PR p. 211, p. 175, and p. 180.

118) Cf. Hägerström, PR p. 38 f.

truth (WT). This is the way of scientific consciousness, where the object for thought is a definite real thing. (WT) is based upon thinking. Its starting point is the relationship between the knowing self and the reality known. Its end is to replace ignorance and partial knowledge by complete knowledge of what there is. If an object is studied, then the object must exist. As one follows (WT) one's mode of thought is concerned with what exists which must be determinable and describable by means of fixed concepts, advancing to genuine knowledge. This is the course of scientific research, where one holds that whatever we inquire into exists, and it cannot not exist.

This is Parmenides' way of truth. It is also Hägerström's way of truth. His thesis is that (WT) has a destructive side as well as a constructive side. The destructive side is the rejection of (WO) and (WI). (WI) makes the object to depend upon the knowing mind. (WO) makes the object to be known inaccessible to the knowing mind. The constructive side is to claim

- 1) the independence of object, i.e. the object is given and is independent of the knowing mind,
- 2) the immediacy of object, i.e. the object is given and is accessible to the knowing mind.

We must, Hägerström claims, begin with the fundamental law of thinking, the law of contradiction, which declares what reality is. Hägerström's thesis is the Parmenidian thesis: "What can be spoken and thought of must exist".

In order to substantiate my thesis that there is a close similarity between Hägerström's and Parmenides' way of thinking, I shall follow Barnes and his exposition of Parmenides' argument, and I shall add my references to Hägerström in brackets in the text. In this way it is also possible to test whether the thesis mentioned actually is true.

Suppose there is a student (S), who wants to study an object (O), say the student wants to study law. If he follows the way recommended by Parmenides and Hägerström, then (S) assumes that (O), i.e. the law, exists (INLM p. 16, 43,

50, 281). The student proceeds as follows.

1. If (O) does not exist, then no one can recognize (O), and no one can mention (O) (PR p. 42, 181, 211).

From this we infer

2. If law does not exist, then (S) cannot recognize law, and (S) cannot mention law.

Why should the student accept 1? He should and must, because whatever can be thought of can exist, and vice versa, i.e.

3. (O) can be thought of if and only if (O) can exist (PR p. 40, 53 f.).

This gives

4. If (S) can think of law, then law can exist.

This, however, does not offer any help. As Hägerström writes, "if all content of consciousness, as something determinate, is real, then the dividing line between that which is merely thinkable and that which is real is obliterated, which appears to be meaningless" (PR p. 53, cf. p. 48). Hence we need

5. If (O) can be mentioned or (O) can be thought of, then (O) exists (PR p. 40, 55).

This gives

6. If (S) can mention law or can think of law, then law exists.
7. If (O) can be recognized, (O) can be thought of (PR p. 39, 42).

From 7, we infer

8. If (S) can recognize law, then (S) can think of law.

There is now an argument for 2: If law does not exist, then (S) cannot recognize law, since 2 is entailed by 6 and 8. We still have the premise 3, which so far has not done any work in the argument, and besides 5 is unsupported, so we need

9. If (O) can be mentioned or (O) can be thought of, then (O) can exist (PR p. 42, 53).

Hence it follows

10. If (S) can mention law, then law can exist.

But then we have the Parmenidean principle "nothing is not", that is "no thing is not for being", which amounts to that

nothing cannot exist. This principle is also adhered to by Hägerström, cf. above Section 4. Hence we have

11. If (O) does not exist, (O) cannot exist (PR p. 42, 55).

Hence

12. If law does not exist, law cannot exist.

Now we can use 3: "(O) can be thought of, if and only if (O) can exist", since the premises 4 and 10 and 12 together entail 6: "If (S) can mention law or think of law, then law exists".

Suppose the student is advised to follow the way of ignorance (WI). (WI) says of an object inquired into that it is necessary for it not to be, if we follow Parmenides' way of thinking, and also Hägerström's way of thinking, since for him (WI) lacks any "concrete foundation" and "yields only negations, it declares what is not ... which do not have any truth in the proper sense" (PR p. 192). The student is then in this predicament.

13. If (S) studies law, then law does not exist.

Evidently, a student must be able to say what he is studying, or at least he must be able to recognize the object, i.e. law, of his inquiry. That is to say

14. If (O) is studied, then (O) can be mentioned or (O) can be recognized (PR p. 62).

Hence

15. If (S) studies law, then (S) can mention law, or (S) can recognize law.

But notice that if (S) studies law, then he can infer - from the premises 6, 15, and 13 - that law exists, and law does not exist. But this is impossible. If (S) is a student of law, then law does not exist. This is absurd, and no one can proceed along (WI). - As Hägerström's writes "it should always be observed that he who remains within a self-contradiction only combines words without meaning, although he expects there will be a meaning there" (PR p. 262).

If the student (S) is determined to study law, the premise 13 is false, so no student can proceed on the way of (WI). If a student, say Felix Somlo, nevertheless does proceed on this way, he may produce a book "Juristische Grund-

lagen".¹¹⁹⁾ What is one to judge about such a book? He follows the track beyond all tidings, according to Parmenides. And Hägerström concurs "the whole book is a collection of absurdities".

Rather than advising the student to follow (WI), the student may be advised to pursue his study of law along the way of opinion (WO). The student is then committed to the view that at least some objects of inquiry do exist, and some objects of inquiry do not, or may not exist. Suppose that law is an object of inquiry that does not, or may not exist. Hence we have

16. Since (O) does not exist, it will never be shown that (O) does exist.

This yields for a student of law

17. Since law does not exist, it will never be shown that law does exist.

The argument of the way of ignorance shows, abbreviated,

18. If (O) is an object of inquiry, then it does not exist.

Or for a student of law

19. If law is an object of inquiry, then law does not exist.

Thus, (WO) leads to a contradiction, since it is based upon the assumption that law, as an object of inquiry, does not exist. Again we end up with a contradiction, and it follows that (WO) must be abandoned. To illustrate again, this is Hägerström's judgement concerning the theory of Kelsen. His theory is, Hägerström says "very well worthy of attention. In particular it cannot but be useful to jurists, who wish to attain to real clearness about their own presuppositions to study thoroughly the Allgemeine Staatslehre, which expounds the system of ideas in a concentrated yet clear treatment with a wealth of material as basis".¹²⁰⁾

Nevertheless, Kelsen's theory is false, according to Hägerström, since it is permeated with "medieval scholasticism", that is Kelsen is concerned with "the fictive idea (of the

119) Cf. Hägerström, INLM p. 261.

120) Hägerström, INLM p. 297, the reference is to Kelsen, Allgemeine Staatslehre, Berlin 1923.

ought", which is "no real idea at all" but "what is present (in Kelsen's mind) is just this wavering between the two alternatives".¹²¹⁾ Medieval scholasticism is the way of opinion with "this wavering between the characteristics of space and time, on the one hand, and the characteristics of being lifted up above space and time on the other". In the study of an object as law it is the wavering between law as fact or positive law and law as fiction or natural law. The way out is to abandon (WI) and (WO) and proceed along the way of truth (WT). This is to be committed to the view that all objects of inquiry do exist.

The way of truth is based upon premise 11, mentioned above, viz. 11. If (O) does not exist, (O) cannot exist. This is Hägerström's starting point as well, viz. what does not exist, cannot exist (PR p. 58).

Barnes' criticism of Parmenides is that this premise 11 is an untruism, viz. an ambiguous sentence, expressing on one interpretation, a trivial truth, viz.:

11T) It is not possible that what does not exist, exists.

This is a truism, since necessarily if an object does not exist, the object does not exist. But 11T does not yield 11.

On another interpretation, the sentence expresses a substantial falsity, viz.:

11F) If an object does not exist, then it is not possible for it to exist.

This is a false proposition, since if an object does not exist, then it does not follow that it necessarily does not exist.

Hence the premise 11 must be based upon 11F, not on 11T. But since 11F is false, there is no need to accept 11. Many objects might, but do not, exist, and hence the Parmenidean attack on the other ways fails. Parmenides' thought wavers between 11 based on 11T and 11 based on 11F. And so does Hägerström's thought. The consequence is that scientific research is restricted to objects which "really exist" and their natural properties, as opposed to fictional ob-

121) Cf. Hägerström, INLM p. 298 for the phrase "medieval scholasticism" and PR p. 215 for the description (my brackets).

jects which only exist in the imagination.

The objection is that we can think of non-entities, say centaurs, and if this is the case it follows that we can identify and refer to a centaur, although it is obvious that the centaur does not exist in the sense that the creature can be touched or seen in a Zoo.

Parmenides' way of truth is committed to rule out any scientific research into non-entities, like centaurs. Hägerström shares this commitment. For Parmenides a mythologist studies centaurs, not horses. If the mythologist is "a tough-minded Parmenidean" says Barnes, he "may argue that mythologists are really investigating not the nature of non-existing beasts but the beliefs of once-existing men".¹²²⁾ Just as it is the case that historians study Shakespeare not Hamlet, they inquire into the intentions of Shakespeare, and not the character of his fictions. This is, as Barnes says, unconvincing, since why may we not inquire into the character of Hamlet rather than of Shakespeare?

For Hägerström, a jurist studies law, and if the jurist is a tough-minded Hägerströmian, what he studies is not the nature of law in the sense of obligatory rules "which lacks all basis in reality" but really the nature of law as "the actual conception of law" as "a merely social-psychological fact".¹²³⁾

Based upon 5: If law can be mentioned and thought of, then law exists. Hägerström infers that law can only be mentioned and thought of as a social-psychological fact. This is Hägerström's way of truth, but it is not convincing. It is also possible to think of law as obligatory rules. But if we do so, then Hägerström invites us to believe that law, in this sense, does not exist. The consequence is that we think of what does not exist. We are, in Berkeley's phrase, "all the while only contemplating our own ideas".¹²⁴⁾

For Hägerström, this raises the question of the real nature of such ideas. If we follow Hägerström's way of truth

122) Barnes, *The Presocratic Philosophers*, vol. 1, p. 172.

123) Hägerström, *INLM* p. 287.

124) Berkeley, *Rationale of the Principles* § 23, *Selections* p. 49.

it raises the question whether there is any possibility of moral and legal knowledge. This is to be discussed in the chapters to follow. To conclude this chapter, and to anticipate what follows, Hägerström's way of truth implies that discourse concerning moral and legal obligation to obey the law is fatuous. This is, I submit, a failure, since we can and do think of things that do not exist and study those things. The only reason for rejecting such studies offered by Hägerström is his argument of the way of truth that scientific inquiry is restricted to the essence of things which really exist in the world of space and time. In this respect he is a follower of Parmenides. Following Jonathan Barnes I have tried to show that Parmenides' way of truth is based upon an untruism. So is Hägerström's way of truth. Thus not only feelings and volitions, but also thinking may lead us astray. It has put Hägerström on a false scent.

Chapter V

Axel Hägerström's Inquiry into the Nature of Morality

"There are no moral phenomena at all,
only a moral interpretation of phenomena"

Friedrich Nietzsche*

1. Introduction

Hägerström's personal problem is to understand the world, in which he lives, and thus himself as part of this world. Hägerström solves his personal problem by relying on thinking or reason as the essence of consciousness. According to Hägerström the distinctive characteristic of human beings is consciousness. Consciousness is, in turn, divided into the faculties of thinking, feeling, and volition. Man's essence is reason, which for Hägerström comprises thinking and experience, which is always related to an object. This, then, constitutes the rational part of man in contrast with the irrational part of feeling and volition, which are not related to any objects except the particular individual itself. It is precisely because of the influence of the irrational part on the rational part that individuals are liable to errors and confusions concerning their place in the world. What we can achieve by means of reason is to realize that the world must necessarily be a single all-inclusive system. Since all events and things are equally ruled by causal laws, miracles cannot occur. Man is part of nature, but man may also be put in contrast with nature. To oppose man and nature may support an unwarranted and distorting anthropocentricity. It is to see nature in terms of feelings and volitions, and means and ends as products of feelings and volitions, which is absurd.

Man is part of nature, and there is only one nature.

* Friedrich Nietzsche, *Beyond Good and Evil* (transl. and introd. by R.J. Hollingdale), Penguin Books, 1973, p. 78.

It is folly to contrast the natural world, man included, with the supernatural. This is again to see nature in terms of the will or feelings of a supernatural being, e.g. God. This view is rooted in man's feeling and volition. For Hägerström it must be possible to restore the human soul to soundness and thus recognize its historically created place in the natural and social world. For Hägerström the emphasis is not the Christian emphasis on the soul being saved from sin, but the philosophical emphasis on the soul being saved from thinking affected by feeling and volition, which leads to fanaticism and superstition. Thus, Hägerström's lesson is that cognitive thinking must be kept apart from emotional thinking.¹⁾

For Hägerström the lesson of cognitive thinking is that there is but one kingdom of which man is a member, viz. the Earthly Kingdom of nature and society, where man can deploy his reason properly by seeing things and events as they are, and govern his relationship with others in accordance with reason. By contrast the Christian lesson is that man is depicted as being a member of the Earthly as well as the Heavenly Kingdom. The appeal is in the end to feeling or faith, making the Earthly Kingdom an appearance, and the Heavenly Kingdom the true reality.

Thus, Hägerström is a rationalist in the sense that he opposes reason to faith. He denies the role of feeling and relies solely on reason in achieving knowledge. Hägerström is also, I submit, a rationalist in the sense that he identifies reason with experience. To be sure, concepts are derived from sensations, but one must know the essence of a concept in order to determine whether it is a genuine concept to be used in scientific inquiries, or a pseudo-con-

1) Perhaps Hägerström is influenced by H. Maier, *Psychologie des emotionalen Denkens*, Tübingen 1908. In this book Maier maintains a distinction between "kognitives Denken" and "emotionales Denken". The former is related to cognition or thinking, the latter is related to conation or willing, and to affection or feeling. The area for conation is morality and law; the area for affection is aesthetics and religion. - Hägerström had read Maier, cf. "Kritiska Punkter i Värdepsykologien" and INLM p. 119.

cept which has to be abandoned. According to Hägerström's theory of knowledge we apprehend, in our scientific or unified consciousness, "laws of what occurs or sequences of concepts which determine what occurs".²⁾ What occurs is things and events which are spatially and temporally ordered and standing in determinate causal relations both with one another and with ourselves as thinking beings. "Knowledge is", as Hägerström says, "only a non-contradictory apprehension of something as real or as determinate".

For Hägerström reason uses the method of reflection in achieving knowledge. The method of reflection or thinking is in the same case as its correlate in the world of nature or reality. To be certain that our starting point concerning knowledge of the world of nature is really the true starting point Hägerström relies on the law of contradiction. This law is presupposed in all meaningful thinking, since it is this law which makes proof possible. Since this is the case, the law of contradiction cannot be proved, but we can demonstrate that the law of contradiction is the only true starting point by the results one gets by its denial. A person who were to deny the law of contradiction, e.g. his judgement "this is a table and also not a table", passes beyond the pale of consistent thinking. In short, for Hägerström the truth of the law of contradiction makes itself manifest. This law is fundamental, and Hägerström will have nothing to do with the dialectical logic of Hegel and his Marxist followers who, in his opinion, blur this law. Contradictions emerge only from men's inadequate ways of conceiving and perceiving what is real. By no means are contradictions a feature of what is real as Hegel and the Marxists hold.

Philosophical thinking reveals that there is only one world, the objective Newtonian world of an unchanging three-dimensional universe, where everything can be assigned a place in temporal and material reality which can be completely known. To see man as part and parcel of this universe is to emphasize the continuity of the human race. It

2) Hägerström, PR p. 57; next quotation is from p. 315.

is also to suggest that human behaviour may be amenable to the same kinds of investigations that are effective in studying other domains of nature, viz. that everything can be explained as the effect of some cause. Rational understanding consists in knowledge of causes.

If we understand the laws which govern the universe it is possible to take them into account in our planning. Thus, we are set free from a blind acquiescence to the consequences of laws and are in this respect set free. Thus to understand the laws that govern man in society is likewise to be set free. It is consequently of the first importance to determine the character of these laws. It is even more important to approach such inquiries from a conceptual point of view of philosophical thinking. It belongs to philosophical thinking to present a system of mutually consistent non-contradictory concepts by clarifying and rendering consistent the concepts used in ordinary and scientific discourse concerning moral and legal judgements.

Concerning knowledge of nature Hägerström abandons his nihilism in favour of rationalism. I have discussed, above Chapter III, p. 129f., whether Hägerström has changed his mind between the publication of his book "Das Prinzip der Wissenschaft" and his "Selbstdarstellung". Hägerström's own opinion is that this is not the case, cf. above Chapter III, p. 181.

Turning his philosophical mind to values, to moral and legal judgements, Hägerström explicitly acknowledges that he has changed his mind around 1916. In his "Selbstdarstellung" he claims that he "discerned for the first time that the whole idea of value, which is supposed to belong to the reality of the valued object, was impossible".³⁾

A change of view involves, of course, that Hägerström's opinion concerning values in his *Selbstdarstellung* is inconsistent with his opinions concerning values expressed in his former ethical writings. According to these writings, for an outline I refer to Chapter II, p. , values are part

3) Hägerström, PR p. 70.

of the world. So Hägerström must accept that his former ideas were inadequate or confused. These ideas are not in accordance with the order of the intellect. Consequently Hägerström has failed to realize "the meaninglessness of the words from the point of view of thought", to use his own words.⁴⁾ There is no harm in this. It is also perfectly consistent with Hägerström's theory of knowledge and his coherence theory of truth.

Hägerström's reaction against the possibility of moral knowledge is then only the stronger, because he once held the view that there is the possibility of arriving at genuine moral knowledge. This is just to say, in other words, that Hägerström's criticism is a form of self-criticism. Merely by attending to his own consciousness, his own thinking, Hägerström has now realized that there is no such possibility. His new view is that "knowledge of value is impossible".⁵⁾ This is the thesis of moral nihilism.

This new view sometimes conflicts with the old view as I hope to make clear in the following discussion of Hägerström's thesis. I shall, however, restrict my discussion to Hägerström's thesis of moral nihilism pointing out inconsistencies, which can be traced back to his older views.⁶⁾

Hägerström's thesis implies that there are no genuine moral judgements. I am not suggesting, in this chapter, that I am able to solve the question whether there are such judgements. What I am suggesting is that Hägerström's argument for his thesis fails to establish it. I shall proceed as follows. - In Section 2 I shall deal with Hägerström's conception of the proper subject-matter of ethics. - Next, in Section 3 I shall present his analysis of moral judgements. - In Section 4 I shall consider his discussion

4) Hägerström, PR p. 70.

5) Hägerström, PR p. 315.

6) A full account of Hägerström's ethical thinking is still wanted. But it must be pointed out that Petersson's claim that Hägerström's work before 1907 does not deal with ethical questions is without any substance. See Bo Petersson, *Axel Hägerströms värdeteori*, Uppsala 1973, p. 13. - I have not been able to consult a recent book by Dieter Lang, *Wertung und Erkenntnis, Untersuchungen zu Axel Hägerströms Moraltheorie*, Amsterdam 1981.

of some fundamental standards for moral judgements. - Finally, in Section 5 I shall comment on the importance of morals for life in society.

2. The Subject-Matter of Moral Philosophy

On 18th March 1911 Hägerström held his inaugural lecture "Om moraliska föreställningars sanning" (On the Truth of Moral Ideas).⁷⁾ He had finally succeeded in being appointed a professor in moral philosophy in the University of Uppsala. The Rector of the University admitted Hägerström to his professorship by a formal speech, where he said that the situation for a professor now has changed. Hägerström could not expect to attain "the great public influence of his predecessor Boström".⁸⁾ In fact, the Rector was proved to be wrong. In his lecture Hägerström concluded by saying that "moral philosophy cannot be a teaching in morality, but only a teaching about morality".⁹⁾

This statement caused an uproar in Sweden, since Hägerström's professorship constituted a break with the established view that moral philosophy is a branch of knowledge, which consists in teaching what is, normatively speaking, good conduct, i.e. a teaching in morality which provides an account of normative standards of evaluation and normative rules of conduct. What Hägerström is saying is that it is not the business of the moral philosopher to tell people what to do. This is, by no means, a revolutionary claim. It is, for example, voiced by Bradley.¹⁰⁾ It is thought that moral philosophy has to provide the individual with knowledge of what is right and wrong in particular situations. Bradley's claim is that this is an erroneous thought.

7) It has been translated by Robert T. Sandin into English as "On the Truth of Moral Propositions", but his translation is not quite accurate. For example Hägerström uses "föreställningar", and this is best rendered as "idea". In fact, Sandin does use this word, e.g. p. 83, in translating "föreställningar", but sometimes, e.g. p. 83, he also uses "judgement". - I have provided my own translation which sometimes differs from Sandin.

8) Waller, p. 189 (my translation).

9) Hägerström, PR p. 96, whose translation is somewhat different.

10) Bradley, Ethical Studies, p. 193.

In his own words,

"We remark, and with some confidence, that there cannot be a moral philosophy which will tell us what in particular we are to do, and also that it is not the business of philosophy to do so. All philosophy has to do is 'to understand what is', and moral philosophy has to understand morals which exist, not to make them or give directions for making them. Such a notion is simply ludicrous."

This is, of course, an echo of Hegel, "To comprehend what is, this is the task of philosophy, because what is, is reason".¹¹⁾ The instruction which Hegel's book may contain cannot consist in "teaching the state what it ought to be, it can only show how the state, the ethical universe, is to be understood". Hegel's book aims neither at teaching the state what it ought to be nor the citizen how he ought to behave. Its aim is rather to explain what the state, or the ethical universe, is, which involves explaining what it is to be a moral being.

This is, I suggest, also Hägerström's claim in his lecture. "Since science has only to indicate what is true, while it is nonsense to regard an idea of an obligation (ought) as true, no science can have it as its task to indicate how we ought to act".¹²⁾ If the task of a moral philosopher does not consist in teaching people what is right and wrong conduct, then what is his task? The answer is that his task is to dispel false views of the nature of morality by providing an analysis of morality that can stand up to philosophical criticism. - In Hägerström's own words: "Moral philosophy as a science is purely and simply a science of actual moral valuations in their historical development, based on a psychological analysis and conducted by a critical philosophical investigation of the ideas which are operative therein".¹³⁾

On the basis of Hägerström's critical investigations of moral ideas, his conclusion is that moral ideas cannot be said to be either true or false. This implies Hägerström's thesis that such ideas are meaningless. This claim is the cause of the uproar. Hägerström's inaugural lecture created

11) Cf. Hegel, *Philosophy of Right*, Preface, p. 11.

12) Hägerström, PR p. 95.

13) Hägerström, PR p. 96.

something of a sensation in Sweden which can be compared with the similar effect of A.J. Ayer's publication of "Language, Truth and Logic".¹⁴⁾ As Passmore remarks, people heard with a sense of shock that metaphysical propositions are neither true nor false, but nonsense. Within the compass of metaphysical propositions are ethical propositions which do not express genuine propositions but rather are to be seen as expressions and excitants of feelings. Ethics, as a branch of knowledge, is for Ayer nothing more than a department of psychology and sociology.

In his introduction to Hägerström's "Socialfilosofiska uppsatser", Fries claims that "Hägerström is, as far as I (i.e. Fries) know, the first person in the history of philosophy to demonstrate that value lacks all character of reality".¹⁵⁾ That is to say, Hägerström is the first philosopher who claims that value judgements are not, properly speaking, genuine judgements. As a matter of historical fact, Fries' claim is simply false. Hägerström's claim is foreshadowed by Hume's claim that "morality ... is more properly felt than judg'd of".¹⁶⁾ The rejoinder to this is that Hume does not advance the thesis that moral judgements are expressions of feelings, hence they do not express genuine judgement. This is the emotive or non-cognitive thesis. Rather Hume's thesis is that moral judgements are reports of feelings, hence they do express judgements, although these judgements are not genuine judgements, since such judgements are purely describing the individual's subjective feelings. This is the subjectivist thesis.

According to Bo Petersson, Hägerström thinks that Hume holds the subjective thesis.¹⁷⁾ This is true. But it is

14) London 1936, cf. for Passmore's remark in the text his *A Hundred Years of Philosophy*, p. 582, note 18. And see Kai Nielsen, *On Deriving an Ought from an Is. A Retrospective Look*, *The Review of Metaphysics*, vol. 32, 1978-79, p. 487 ff., at p. 488 "Axel Hägerström (a kind of Scandinavian A.J. Ayer)".

15) Hägerström, *Socialfilosofiska uppsatser*, 2nd ed., p. 17.

16) Cf. Hume, *Treatise of Human Nature*, Book III, Part I, Sec. 2, p. 470. - Cf. my *Skandinavisk Realism*, p. 56 ff.

17) Bo Petersson, *Axel Hägerströms värde teori*, p. 10. I am not going to discuss Petersson's interpretation of Hägerström's theory.



also true that Hume holds the emotive thesis. That this is the case is quite clear from Reid's discussion of Hume.¹⁸⁾ Reid makes the distinction between the emotive thesis and the subjectivist thesis. He also argues that if the emotive thesis is true then it leads to the view that moral judgements can have no meaning at all, since what is merely felt cannot be expressed in a judgement. So Petersson is quite wrong, when he suggests that Hume "does not say clearly that moral judgements are neither true nor false. It is only a consequence of some of his (i.e. Hume's) assumptions". His contemporary Reid thinks otherwise, and he takes Hume to task for identifying moral judgements with feelings.

So Hägerström is not as original as he thinks himself, and is taken to be by Fries and Petersson. And Hägerström, like Hume, sometimes adopts the emotive thesis and sometimes the subjectivist thesis in his account of moral judgements, as I shall try to show below in Section 3.

It should be noticed that Hägerström's thesis of moral nihilism, i.e. that knowledge of value is impossible, is of a general epistemological character. It does not arise out of a careful and close reflection on the use of value terms in ordinary language. It is rather based upon Hägerström's epistemology or his theory of the identity of knowledge and reality. Hägerström's thesis of moral nihilism is based upon his denial of the autonomy or freedom of the will. Hägerström does not admit the Kantian principle of the categorical imperative. Hence Hägerström arrives at the conclusion that morality is "a chimerical Idea without truth" or "a mere phantom of the brain" to use Kant's phrase.¹⁹⁾

17) (continued) Petersson's claim is that Hägerström holds two theories concerning value-judgements. One theory according to which they are neither true nor false, another theory according to which some are neither true nor false, whereas others are always false. Petersson's theory collapses if I am right that Hägerström identifies truth and meaning. - The translation by Sandin, PR p. 71, lines 7-8, is not correct, Hägerström writes, "Die erwähnten festen Assoziationen ... unterliegen selbst natürlich nicht dem Wahrheitsgesichtspunkt".

18) Reid, *Essays on the Active Powers of Man* (edt. by Baruch Brody), London 1969, Essay V, Ch. VII, p. 457.

19) I. Kant, *The Moral Law* (transl. and edt. by H.J. Paton), London 1948, p. 106.

For Kant, the categorical imperative depends upon the individual acting as a law-giving member in society, making universal moral laws. This position can be seen as a case of the thesis of maker's knowledge, cf. above Chapter III, p. 208f. This thesis covers two types of knowledge, theoretical knowledge and practical knowledge. Theoretical knowledge is, to use a Kantian phrase, the area, where "the understanding is ... itself the lawgiver of nature, ... constraining nature to give answers to questions of reason's own determining".²⁰⁾ Practical knowledge is the area, where reason is occupied with human action, human doing and making, and with the results of such action and doing. In this area, to use Kant's words, "reason ... frames for itself with perfect spontaneity an order of its own according to ideas".²¹⁾ Man is also the lawgiver of morality, where "reason itself does not work instinctively, but requires trial, practice, and instruction in order gradually to progress from one level of insight to another".²²⁾

Thus, Kant stresses, in theoretical knowledge as well as in practical knowledge, the active use of reason or man as lawgiver for the realm of nature and for the realm of morality. In the theoretical area nature acts as a limit to pure speculation. In the practical area the categorical imperative is essential as a bulwark against the spontaneity of men's feelings and volitions, which, if unchecked, will tend to corrupt man's life in society.²³⁾ Moral philosophy, for Kant, has for its subject-matter to seek out and establish the supreme principle of morality, viz. the categorical imperative.

Hägerström denies the possibility of maker's knowledge. For Hägerström knowledge is always spectator's knowledge. Knowledge is the passive contemplation of a determinate and

20) Kant, Critique of Pure Reason, p. A 126 and p. B XIII (p.148 and 20).

21) Kant, Critique of Pure Reason, p. B 576 (p. 473).

22) Kant, Idee zu einer allgemeinen Geschichte in Weltbürgerlicher Absicht (1784), in Werke (Hrsg. W. Weischedel), Band 9, Darmstadt 1975, p. 35. I owe the translation to L.W. Beck, see T.C. Williams, The Concept of the Categorical Imperative, Oxford 1968, p. 131.

23) Cf. Kant, The Moral Law, p. 69.

coherent reality.

In the theoretical area it is not the case that reason is constraining nature to give answers to questions of reason's own determining as Kant holds, but rather the other way round, i.e. nature constrains reason or thinking.²⁴⁾ There are limits to what we can conceive of, or make intelligible to ourselves, as a possible general structure of thinking. For a thinking consciousness the world as we experience it is objective. It is there for us to experience independently of consciousness. We make a distinction between the real, as what is there, from the imaginary, as what we create for ourselves.

This distinction is vital for every kind of inquiry. For Hägerström this distinction is based upon the real meaning of words. Words have a real meaning only if they are determined from the side of thought, in contrast with being determined from the side of feeling or will. From the side of thought, the act of thinking or judging refers an ideal content to a reality beyond the act of judging. The act of judging is an expression of a unified consciousness, which refers an idea as having a meaning determined by objects in time and space. The natural expression for a unified consciousness is the grammatical form of an indicative sentence, i.e. a judgement to the effect that it is so. Genuine judgements are about what determines ideas, i.e. the objects which exist independently of consciousness in space and time. This grammatical form can be a misleading guide to the logical form of a proposition. This is the basis for logical positivists, and their dismissal of moral judgements as meaningless, since such utterances do not express genuine propositions. Since moral judgements are meaningless, logical positivists show no interest in any detailed discussion of moral questions. Moral philosophy is not regarded as a serious subject-matter.

It is quite otherwise in the case of Hägerström. Like the logical positivists he also thinks that the grammatical

24) Cf. Hägerström, PR p. 53.

form of sentences can mislead us. It is a misleading guide, not to the logical form of proposition, but rather to the processes by means of which an individual arrives at judgments. The basis for Hägerström's dismissal of moral judgments is that there is no real state of consciousness behind such sentences.

In the area of practical knowledge, there is not a unified consciousness behind the judgement. It is my duty to do so-and-so, but rather "a peculiar kind of consciousness" with "a peculiar meaning".²⁵⁾ This "peculiar meaning" is due to "the association of states of consciousness", e.g. the state of feeling is associated with the state of thinking, or the state of volition is associated with the state of thinking.²⁶⁾

The peculiar meaning of value terms is, according to Hägerström, that

"value itself means nothing except as there is present in the person who values something a certain feeling of pleasure or displeasure or a desire which is connected with the object designated as good or bad. For an observer who stood indifferently before everything (except knowledge itself), the objects of which he possessed knowledge would lack every character of value".²⁷⁾

Hägerström's argument is that in the area of theoretical knowledge words have real meaning independently of feeling and will. This is so because there are thoughts behind the words, and thoughts are impersonal, and hold for the common world of material objects. Thoughts are expressed in judgements. - This involves a distinction between the act of judging expressed in an indicative sentence and the object judged about. From the very nature of knowledge, it follows that what we know must be there to be known, independently of our consciousness.

In the area of practical knowledge words have no real meaning, since moral terms means something if and only if there is a feeling present in the person who values. Feelings and volitions are private or subjective, since they

25) Hägerström, INLM p. 109 and p. 121.

26) Hägerström, INLM p. 122, cf. p. 136.

27) Hägerström, PR p. 68.

are dependent on consciousness. If there were no consciousness of feeling or volitions there would be no values. Hence there cannot be a distinction between the act of valuing and the object valued. It follows that in this area of practical knowledge we are confined to our own mental states. What we know then is dependent on the existence of consciousness. But in that case practical knowledge is, strictly speaking, not genuine knowledge, since the very nature of genuine knowledge is that what we know must be there independently of consciousness. Practical knowledge is what we create for ourselves by means of feelings and volitions. Values are not part of the furniture of the world save to the extent that the world contains human beings that have and pursue values. In no case do we desire anything, because we deem it to be good, but on the contrary we deem a thing to be good because we desire it. Since values lack objective reality, there cannot be any moral knowledge. This is simply a consequence of Hägerström's theory of knowledge which states that there is knowledge if and only if there is objective reality.

Thus, Hägerström arrives at his thesis of moral nihilism, there can be no moral knowledge, but only theoretical knowledge about morality. - This has implications for the possibility of moral philosophy.

Moral philosophy, to use a contemporary classification, covers three kinds of thinking:

1. there is descriptive empirical inquiry, historical, sociological or psychological, which describes and explains the moral life of man as manifested in any given individual's moral experience and in any given society's moral codes.
2. there is normative thinking concerned with questions of what is good and what is right which are related to the construction of a set of moral standards of evaluation and moral rules of conduct.
3. there is analytical thinking, or meta-ethical thinking, concerned with conceptual analysis of the meaning of words and sentences used in moral discourse, and analysis of the methods by which moral judgements can be established as true or false.

Now, Hägerström has ruled (2) out as a proper subject-matter for moral philosophy. His argument for this is not that there are proper value-judgements but rather that it would be improper to have a scientific teaching in morals. Hägerström perhaps suggests this argument, when he writes that "the fact that such a way of proceeding is often employed, shows that one wishes to make science a handmaid of morality, which is by no means better than its being a handmaid of faith".²⁸⁾ If this is so, then Hägerström has involved himself in a self-contradiction, since this view presupposes that value terms do have meaning and also that it is possible to have genuine moral judgements.

Hägerström's rejection of (2) is rather based upon, as I have tried to show, his thesis of moral nihilism, i.e. Hägerström invites us to believe that there are no proper value-judgements. Or perhaps there is a distinction here between value-judgements which are concerned with what is good or bad, i.e. axiological judgements, and value-judgements which are concerned with what is right or wrong, i.e. normative judgements. Hägerström holds that axiological judgements are expressions of feelings, whereas normative judgements are expressions of volitions. The former are, properly speaking, meaningless from a conceptual standpoint. The latter, i.e. the normative judgements, involve Hägerström into difficulties, to which I shall return in Section 3.

So there is, for moral philosophy as a scientific study, (1) and (3) to consider.

If Hägerström's analysis of value-judgements is the subjectivistic thesis, i.e. in such judgements people are reporting or describing their feelings or volitions, then it follows that moral concepts may be definable in terms of certain kinds of pro-emotion and anti-emotion, or certain kinds of pro-volition and anti-volition. If the subjectivistic thesis is true, then Hägerström is committed

28) Hägerström, PR p. 82, cf. for the notion of philosophy as the handmaid of faith, Kant, *Der Streit der Fakultäten*, Werke Bd. 9, p. 291. - Hobbes, *Leviathan*, Part IV, Ch. 46, p. 688.

to naturalism. It also follows that moral philosophy becomes a branch of psychology, i.e. Hägerström endorses (1).

If Hägerström's thesis is the emotive thesis, i.e. in moral judgements people express their feelings and volitions, then it follows that there are no moral judgements and no moral predicates. The task is then to explain how we come to the mistake of thinking that we are expressing judgements when we are in fact expressing feelings and volitions. Again it follows that Hägerström is committed to naturalism. It is for him an ultimate fact about human nature that people tend to feel a certain kind of emotion or volition, as the case may be, when they contemplate that something is good or something is right.

Moral philosophy becomes a branch of psychology, since emotions and volitions are explicable by general psychological principles relating to the influence to which most people are subjected in childhood and through education. Thus if this thesis is true, then Hägerström again endorses (1) as the only proper scientific study. This is, in fact, also Hägerström's position.²⁹⁾ Moral philosophy, as a branch of science, is moral-psychology.

Within this scientific study, Hägerström makes a distinction between two main areas of inquiry, viz.: the content of morality (I), and the formal concepts used in moral discourse (II).

- (I) The first area comprises two different lines of thinking,
 - a) what people think is the supreme good, and the origin of their thinking so,
 - b) how normative evaluation has developed.
- (II) The second area deals with the questions such as e.g.
 - "what is meant by moral value?",
 - "what does it mean to say that something is morally good?", or
 - "what does it mean to say that an action is a duty?".

Hägerström's contention is that it is necessary to keep (I)

29) Cf. Hägerström, *Moralpsykologi*, p. 15. - Here the quotation later in the text.

and (II) distinct in the scientific inquiry into the nature of morality. For Hägerström, (II) is important. His example is the answer to the question "what does moral value denote (betyde)?" This answer is often, Hägerström says, that it means common welfare. Then Hägerström objects, "this is only an answer to the question: "To what do people ascribe value?". It cannot be the answer to the question: "What do we mean (mene) when we think of the common good as the morally good?".

According to Hägerström, only recently have writers, he mentions Harald Höffding and Edward Westermarck, started "a psychological investigation concerning the formal nature of moral concepts", although Hägerström also says that such an inquiry is also undertaken by David Hume and Adam Smith. But the formal investigation is completely foreign for writers like Auguste Comte, Herbert Spencer and John Stuart Mill.

I am not going to discuss whether Hägerström is right or wrong in his interpretation of the philosophers mentioned, excepting, of course, Hume, cf. above. What I wish to draw attention to is that Hägerström does not mention G.E. Moore, although Hägerström relies on the very distinction Moore makes between what things are good and how "good" is to be defined.³⁰⁾ For Moore the latter question is the most fundamental question. In the classification mentioned above, this question belongs for Moore to (3). For Hägerström it is also the fundamental question, but he thinks it belongs to (1). For Moore it is a conceptual question, not an empirical question. For Hägerström it is also a conceptual question, but this is for Hägerström equivalent to an empirical question.

The difference between (1) and (3) is important. Empirical questions (1) are solved by observation, whereas meta-ethical questions (3) are solved by reflection. The test for the latter solutions is self-contradiction. The solutions are false, if they are self-contradictory, and true, if their contradictories are self-contradictory. In other

30) G.E. Moore, *Principia Ethica*, Cambridge 1903, Ch. I, § 5, p. 5.

words, we are dealing with analytical propositions, which are true simply by virtue of the meanings of the words in the sentences, which express them. It is quite otherwise in the former case of empirical propositions, where the test of whether the solutions offered are true or false is experience. Hägerström's thesis is that "it is forgotten that it belongs to the notion of truth to be one", i.e. that the general criterion of truth is non-self-contradiction.³¹⁾ Hägerström forgets, however, the Kantian lesson that "a sufficient and at the same time general criterion of truth cannot possibly be given". There is, after all, an important difference between analytical and synthetic propositions.

When Hägerström, in the quotation mentioned above p. 293, talks of "critical philosophical investigation of ideas", the crucial trouble is that Hägerström's philosophical investigation is genetic and causal rather than analytical and conceptual. Hägerström expresses it as a theory about what must occur in people's minds before there can be understanding of moral concepts, rather than a theory about what it is for a moral expression to have a meaning. In other words, Hägerström ignores the difference between analytical and synthetic propositions. This in turn depends upon Hägerström's quest for certainty, and thus Hägerström falls into the trap of temptation looking for certainty in the area of synthetic or empirical propositions, which are presented by him as necessary truths.

Hägerström's "critical philosophical investigation" of moral terms turns out to be on the one hand an inquiry into the relations holding between moral words and the states of consciousness of human beings, where he offers a psychological explanation of why such words produce the effects they do, i.e. (1) in the classification above. The propositions offered by Hägerström are then to be understood as empirical propositions. On the other hand Hägerström's "philosophical investigation" is intended as a conceptual analysis of the meaning, or lack of meaning, of moral terms, which

31) Hägerström, PR p. 231. - For Kant, see Critique of Pure Reason, p. B 83 (p. 98).

must be kept apart from empirical inquiries as the example, mentioned above p. 302, clearly shows, that is (3) in the classification. In this case the propositions offered are analytical propositions, where Hägerström, quite rightly, looks for certainty and employs, also rightly, the test of contradiction. But then Hägerström's method is the analytical method of reasoning from effect to cause. It is the case that people feel pro-emotions or anti-emotions on certain occasions, or have pro-intentions or anti-intentions concerning actions. This is manifest, and what the philosopher has to do is to look for the causes of such effects, proceeding on the assumption that every event has a cause. If so, then it is, in my opinion, difficult to maintain that the propositions offered must be considered to be analytical propositions. They are rather empirical propositions, which means that Hägerström after all abandons meta-ethics, and further ignores his own distinction between content and form, i.e. the distinction between (I) and (II) mentioned above.

G.E. Moore wrote that "one great difficulty which arises in ethical discussions is the difficulty of getting quite clear as to exactly what question it is that we want to answer".³²⁾

One great difficulty which arises in understanding Hägerström is the difficulty of getting quite clear as to exactly what question Hägerström provides an answer to, that is whether his analysis is concerned with meta-ethical questions about meaning or empirical questions concerning behaviour. His analysis of value-judgements is, I think, a good example, and to this I now turn.

3. The Analysis of Value-Judgements

Hägerström writes, in his *Selbstdarstellung*, that he has "devoted the later period of my authorship to the consideration of the real nature of the so-called value-judgements (der wirklichen Natur der sogenannten Werturteile)".³³⁾

32) G.E. Moore, *Ethics*, Oxford 1972, p. 3 (First ed. 1912).

33) Hägerström, PR p. 68. My translation differs from that of Sandin, who renders "wirklich" as actual, and omits "so-called".

Thus, Hägerström's problem is "the real nature of the so-called value-judgements".

This calls for a comment, in two respects. One is the way Hägerström formulates his question, the other is Hägerström's use of "wirklich", "Wirklichkeit", "real" and "Realität". Since Hägerström holds that the definition of a judgement must take the reality (Wirklichkeit) judged about into consideration, it is important to understand what Hägerström means by the notions mentioned. I must confess that Hägerström's use of these terms has presented me with difficulties, and I am still not quite sure whether Hägerström wants to distinguish between "real" and "wirklich", or whether he just uses these terms as synonyms. I am inclined to think that the latter is the case. Hägerström also uses the notions of "Wirklichkeit", "Wirklichkeit als solcher" and "Wirklichkeit an sich", and his use of these notions does not clarify but rather complicates the matter. On the one hand Hägerström insists that it is important to distinguish between "the reality (Wirklichkeit) and what is real (was wirklich ist)".³⁴⁾

We must not, when we think, confuse "Wirklichkeit" and "das Wirkliche", but this confusion is, according to Hägerström, precisely to be found in metaphysical and ordinary ways of thinking. On the other hand, Hägerström holds that

"the concept of relation is a metaphysical concept which depends upon the confused pair of concepts "reality in itself" (Wirklichkeit an sich) and "reality through some other thing" (Wirklichkeit durch etwas anderes)".³⁵⁾

As far as I can see Hägerström first says that it is important to distinguish between reality and what is real, and secondly he says that this distinction is not a tenable distinction. In the end Hägerström says that he rejects the view

"that reality means something different from what is apprehended with which the apprehension may be compared (Wirklichkeit etwas von dem Aufgefassten Verschiedenes bedeute,

34) Hägerström, PR p. 47.

35) Hägerström, PR p. 45.

womit die Auffassung verglichen werden könne)".³⁶⁾

He holds that

"Reality as self-identity (Realität als Selbstidentität) ... is the only thing which is immediately given; or it is knowledge (Wissen) (in contrast to mere factual certainty) or it is the absolute; or it is the concept valid in itself (an sich gültiger Begriff)".

This is Hägerström's "world of experience" based upon the law of contradiction.

How is it possible to understand what is meant by this?

Hägerström's answer is

"only if one has real knowledge (die wirkliche Erkenntnis) do such words as "the world of experience", "the impossibility of the self-contradictory as a mere collection of words", "judgement" acquire a real meaning (einen wirklichen Sinn)".³⁷⁾

This is of no small importance. First, when Hägerström tries to achieve clarity concerning the question of what words, e.g. "reality" and "real", mean, he is not engaged in sorting out the ways in which these terms are used in ordinary or scientific thinking, like say J.L. Austin.³⁸⁾ Austin discusses the traditional accounts of "reality", which he contrasts with the uses of the word "real", which takes its significance only from the implied contrast in context with "artificial", "fake", "bogus" as well as with "illusory" and "apparent".

By contrast Hägerström's analysis depends upon his logical feeling of what is real and what is not real. What is real is material, whereas what is not real is spiritual. Hägerström claims that what is real is determinate, what is not real is indeterminate. Further what is real is to be taken as a criterion of what exists in the world.

But to be told that an object is determinate does not settle the question of whether the object exists. To use Hägerström's example of a horse which runs. We need, of course, a concept of a horse, in order to identify horses. But it does not follow that a horse must exist in the external world in order for us to have the concept. Nor does it

36) Hägerström, PR p. 50.

37) Hägerström, PR p. 60

38) Cf. e.g. his *Sense and Sensibilia*, Oxford 1962.

follow from our having the concept that the horse actually exists. It is only because Hägerström sometimes uses "real" in the sense of "determinate concept" and other times "real" in the sense of "actual existence in the external world" that he is able to establish his conclusion that the horse actually exists.³⁹⁾ Further, the horse in the judgement "the horse is running" may be a "real horse" or "an unreal horse". If I say that the horse is real, I contrast "real" with "copy", e.g. a statue of a horse. The statue of the horse is real as well, in the sense of "real" meaning "exist" and "genuine". There is an existing genuine statue of a horse, but it is an unreal horse, in the sense that it is made of stone, not of flesh.

Hägerström claims that reality is not a property of objects, but his example of the horse shows that he treats reality as a property of objects.⁴⁰⁾

I conclude that Hägerström's account of "real" and "reality" is unsatisfactory, and cannot be used as a proper basis for deciding whether value-judgements are genuine judgements or not. For Hägerström they cannot be judgements, since they are not concerned with what is real but with what is unreal. What is unreal, is, however, nothing, and "concerning pure nothing, nothing at all can be judged".⁴¹⁾ This line of reasoning is erroneous, since it wrongly treats "nothing" as a name. Hägerström further confuses (a) propositional verbs, such as think or judge, with (b) cognitive verbs, such as know and see. One significant difference between (a) and (b) is this. It is a tautology to say: "If he knows that the horse is running, then it is true that the horse is running". It is not a tautology to say: "If he judges that the horse is running, then it is true that the horse is running".

Secondly, Hägerström holds, in the passage quoted above,

39) Hägerström, PR p. 57.

40) Cf. Hägerström, PR p. 41 and 39. This is confirmed by the comments made by Marc-Wogau, *Studier till Axel Hägerströms filosofi*, p. 86 f. who falls into the same trap.

41) Hägerström, PR p. 42.

that only if one has real knowledge do words acquire real meaning. This is an untruth. It is a truism that if one does know the meaning of words then one does know the meaning of words. But it is a substantial falsity to claim that this knowledge depends upon feelings, as does Hägerström, writing that "the word "reality" (Wirklichkeit) is basically nothing but the expression of the feeling of certainty".⁴²⁾ If this is the case, then it follows that if I do not have this feeling of certainty, then I do not understand Hägerström's sentences. Small wonder, then, that it is difficult for an outsider to understand Hägerström's writings. Hägerström's argument requires that the world is divided up into only two classes of people: the people inside the circle of actual knowledge, where words have real meaning on account of their feeling of certainty, and the people outside this circle. Outside the circle people do not understand anything, since they lack the proper logical feeling, so they cannot put the question: "Is Hägerström's account correct?" Inside the circle this question: "Is Hägerström's account correct?" can be asked, since persons here have the proper logical feeling of evidence of what the words mean. From this it follows that they consider that Hägerström's account is true. So they will not want to ask this question.

This saves, of course, Hägerström's account. But so, if we pursue the argument to its logical conclusion, is every form of superstition. And this is not, I take it, Hägerström's intention. His intention is to consider "the real nature of the so-called value-judgements" and to this aspect I now turn.

Hägerström's way of formulating his problem can be compared with the problem of knowledge. There are three importantly different ways of formulating a problem in analytical philosophy.⁴³⁾

1. To investigate the nature of knowledge
2. To analyse the concept of knowledge

42) Hägerström, PR p. 59.

43) I am indebted to William P. Alston, *Philosophy of Language*, Englewood Cliffs 1964, for the following description.

3. To try to make explicit what one is saying when a person says that he knows something to be the case.

Hägerström's way of formulating the problem of knowledge falls within 1 or 2. And 1 and 2 may be misleading methodologically. If one follows 1, then this suggests that the task is one of locating and inspecting some entity called "knowledge". This entity must exist and is what it is independent of our thought. This is Hägerström's approach, but as I have tried to show, Hägerström does not provide us with an acceptable method for locating and examining this entity. What he says is that "reality is knowledge", which expresses "the intuitively given reality of the object".⁴⁴⁾ And this is clearly not a very helpful method for a person who does not know what knowledge is but wants to be taught what it is. - The second way of formulating the problem is also apt to be misleading, since it suggests that the task is one of introspectively scrutinizing and locating ideas as states or acts of consciousness.

This approach is also favoured by Hägerström who claims that knowledge is thought by means of concepts, which are "the natural expression for a unified consciousness", which finds expression in words with real meaning. Again no acceptable method is offered by Hägerström except "that it is clear that everyone knows which actual idea (*wirkliche Vorstellung*) is to be designated as an apprehension of reality or determinateness".⁴⁵⁾

Finally, there is the third way of formulating the problem, which suggests that conceptual analysis of knowledge is concerned with features of the use of the word "knowledge" in various situations. This links conceptual analysis with language, and some sort of theory of what it is for a word to have a meaning becomes then a vital point.

Turning to the problem of value, Hägerström's way of formulating the problem suggests that his way of thinking is along the lines of 1 or 2, to the exclusion of 3. Häger-

44) Hägerström, PR p. 51.

45) Hägerström, PR p. 59.

ström proceeds on the basis that words do have a proper or essential meaning. His assumption is that the proper meaning of words is to be names of objects or facts. The word "horse" stands for the animal horse, hence it is a meaningful word. There is also the word "centaur", and since the word exists, there must exist also the animal for which the name stands. Now the centaur does not exist in the real world in space and time, hence Hägerström concludes that it must exist elsewhere, viz. in my imagination. This is the referential theory of meaning. The proper, essential meaning of words is to refer to things, which Hägerström couples with the ideational and causal theory of meaning. For a word, say horse, to have a proper meaning it is essential that

- (a) I have the idea of horse in mind
- (b) that when I utter the word "horse" this causes the same idea in the hearer's mind
- (c) that the word "horse" refers to an actual object.

The elements (a), (b) and (c) are needed for expressing thoughts or the essential or proper meaning of words. This approach suggests that the task is to find the proper or essential meaning of moral terms. For a moral word to have meaning it is essential

- (a) to have an idea of value in one's mind
- (b) that this idea arouses feelings or attitudes in one's mind
- (c) that the moral word refers to some actual object.

Hägerström is misled by the fallacy of a word's essential meaning into troubles about judgements about fabulous animals. What is worse, he is also misled into tracing the reference of moral terms. If we talk about the meaning of moral terms, it must refer to something. So Hägerström sets about finding what moral terms refer to. Thus he writes:

"Suppose, as often happens, that one thinks in the following way: 'the original experience of value is a feeling or desire. Hence an object comes to be determined as actually good or bad, according as the idea of its reality arouses in mankind generally a feeling of pleasure or displeasure or a feeling of desire or aversion'. This is nothing but a

conceptual confusion."⁴⁶⁾

The view, which Hägerström refers to, is ethical naturalism, which holds that ethical words and sentences can be translated into non-ethical words or sentences. In Hägerström's example the definition offered can be called "the sociological definition". According to this definition "O has value" is equivalent to "O has a tendency to cause mankind generally to approve of O". Now, what is the conceptual confusion in this definition?

Hägerström's reply is not very clear. He says that "this idea (Vorstellung) would not be a consciousness of value". Why not, since the elements of (a), (b) and (c) are present. Hägerström's objection is that the object, i.e. element (c), "would be entirely independent of the feeling or desire to possess it", which is inconsistent, since a naturalist holds that "value itself may be present only for a feeling or desire". Then Hägerström goes on to declare that "modern value-psychology is *therefore* completely mistaken, in so far as it believes it possible to determine what value is in the manner suggested".⁴⁷⁾

Hägerström offers no argument for his rejection of naturalism, but perhaps he thinks that the majority can be stupid, unenlightened or simply mistaken. That the majority or even mankind generally feels that an object is valuable is a sociological fact, but of very little interest for "what value is". This is the Kantian position that "no matter how many natural grounds or how many sensuous impulses may impel me to will, they can never give rise to the "ought" but only to a willing".⁴⁸⁾

This is the difference between the course of nature or what is, what has been, or what will be and the course of morality or what ought to be. This difference is also stressed by Hägerström who says, in his inaugural lecture, that "existence and value signify something entirely different. Therefore value cannot be included within existence".⁴⁹⁾

46) Hägerström, PR p. 69.

47) Hägerström, PR p. 69 (my italics).

48) Kant, Critique of Pure Reason, P. B 576 (p. 473).

49) Hägerström, PR p. 87.

This seems to me to be a bad argument. House and chairs signify something entirely different. Therefore chairs cannot be included within the house. Of course they can. The question is whether values are to be included in the world, and in what manner.

Hägerström's argument rules out naturalism. He may then opt for non-naturalism, where some ethical terms are verbally indefinable. This is the position of Reid and Moore. Reid holds that the concept of duty is "too simple to admit of a logical definition".⁵⁰⁾ Moore holds that the concept of good is indefinable.⁵¹⁾ Does Hägerström accept non-naturalism, then?

It should be noticed that it is possible for him to answer the question of moral knowledge: "How can I know that there are values?" by the same method as he answers the epistemological question concerning natural objects: "How can I know that there are objects?", viz. by referring to "the intuitively given reality of the action which transforms cognition into moral cognition". On this view, there is moral knowledge, but since "duty" or "good", as the case may be, is simple, ultimate and indefinable, any attempt to define "duty", or "good", will be circular. The most the philosopher can do is to exemplify good conduct, or to exemplify what kind of things ought to exist for their own sakes.⁵²⁾

If this is the case, then Hägerström cannot be said to subscribe to the thesis of moral nihilism. But Hägerström holds that "the value-judgement which determines value, as actually valid, whether it is for me or for mankind generally, cannot possibly be true".⁵³⁾ If so, then this rules non-naturalism out.

Why is it that the value cannot possibly be true? Hägerström's argument is that in case of true judgements

50) Reid, *Essays on the Active Powers of the Human Mind*, p. 223, cf. p. 471.

51) Moore, *Principia Ethica*, p. 7.

52) Cf. H.A. Prichard, *Moral Obligation*, Oxford 1949, especially Ch. 1: "Does Moral Philosophy Rest on a Mistake?" from *Mind* 1912.

53) Hägerström, *PR* p. 69.

"the thing is so determined that it possesses in reality (Wirklichkeit) a certain character and is thus independent of the apprehension itself".

In case of value-judgements "the object - value - depends upon the feeling or desire which belongs to it". Thus, I take it, it follows that the object is dependent on the apprehension.

I have some comments to Hägerström's argument. First, in the case of judgements concerning things Hägerström holds that the characteristics of things, they qualify, are located in the mind, not inherent in objects.⁵⁴⁾ This is, of course, a familiar doctrine, held for example by Berkeley and Hume. But if we accept this, then Hägerström's distinction between genuine judgements and value-judgements breaks down. All characteristics depend then upon feelings. This has not been noticed before, but in my opinion Hägerström must then provide an explanation of why some feelings result in judgement, whereas other feelings do not. Or else he ends up with not only moral nihilism but general nihilism or scepticism, i.e. no knowledge at all is possible.

A second comment is that Hägerström, like Berkeley, uses the expression whether a certain characteristics is "dependent upon the mind".⁵⁵⁾ The question is whether Hägerström, like Berkeley, uses "depend" ambiguously as between "owned by" and "caused by"? I think he does. - Hägerström's argument is

1. some ideas are not dependent upon (caused by) any human mind, e.g. ideas concerning things;
2. every idea is dependent upon (owned by) some mind, e.g. ideas of things, and ideas of value;

from 1 and 2 Hägerström then infers the conclusion he wants, viz.

3. some ideas are dependent upon (caused by) some non-human mind, e.g. ideas of values caused by feelings or volitions.

Feelings and volitions belong to the non-human mind, since the human mind, in the proper sense, is equivalent to

54) See Hägerström, PR p. 56, 235, 297.

55) Cf. Bennett, Locke, Berkeley, Hume, p. 167 ff.

thinking.⁵⁶⁾

In the case of words with proper or essential meaning, the conditions are, according to Hägerström's theory of meaning, that

- (a) there must be a simple idea in one's mind of an independent object in space and time,
- (b) that this simple idea is dependent upon (caused by) a simple object,
- (c) that the word which names this simple idea refers to an independent (i.e. not owned) existing object in space and time.

Hägerström holds that "the idea as such ... is necessarily simple" and it follows then, according to Hägerström, that "the content (i.e. object) which determines the consciousness (i.e. the idea) must itself be simple".⁵⁷⁾

This is a causal argument, relying on the principle that something must always come from something and cannot come from nothing. Hägerström's assumptions are that every idea has a cause, and that any property residing in an idea must also have been present in the cause. Hägerström relies on the synonymy principle of causation: if anything comes into being from a cause, then the cause is at least as comprehensive as the effect.

And this principle is surely wrong. He who breeds fat oxen need not himself be fat. According to Hägerström he must be fat. This is meaningful but false. Further Hägerström rules out complex ideas. Every object is necessarily simple. But how can Hägerström possibly know that? His answer is that "consciousness can be investigated".⁵⁸⁾ This is remarkable, since Hägerström then is placed in the idealist camp of Descartes and his followers, which Hägerström claims is a form of metaphysics which is nothing but "a more or less ingenious play with words".

Hägerström also plays with words, and asks pseudo-questions like: "How can a person have a consciousness of intention which refers to *another's* action and not his own?"⁵⁹⁾

56) Cf. Hägerström, PR p. 180.

57) Hägerström, PR p. 44 and p. 67 (my brackets).

58) Hägerström, PR p. 67; here also the following quotations.

59) Hägerström, INLM p. 123 (his italics).

In the case of value terms, the person commanding must have an idea of the right action in mind, in order for the person commanded to carry out the right action. This follows from Hägerström's synonymy principle. Now, Hägerström holds that "a command as such does not refer to the recipient's scheme of values".⁶⁰⁾ This is true, but it is an open question whether this is a conceptual truth or an empirical fact. Hägerström thinks it is a conceptual truth. He holds that "there must occur in the recipient an intention which is devoid of valuation".⁶¹⁾ An investigation of the recipient's consciousness establishes this as a fact. So now we can argue from this effect to some cause. There must be a cause, according to the principle that something must always come from something. According to the synonymy principle of causation it follows that the consciousness of the commanding person "does not contain any valuations along with the feeling of conative impulse". This is then presented as a conceptual truth as well. This implies that commands, since devoid of valuations, can be seen as judgements. But a "psychological investigation" of the nature of command reveals that a command cannot be considered to be a judgement.⁶²⁾ A judgement is characterized by the fact that it is an expression of a single consciousness. A command "contains a peculiar kind of consciousness". It follows then that in its "real meaning" a command has "a peculiar meaning".⁶³⁾ It has a peculiar meaning, because the consciousness behind the command is a state of mind characterized by an association of an idea and an intention to carry out the action. A normative judgement is then an association of an idea and an intention to carry out the contemplated action. The intention is devoid of valuation, or so Hägerström claims.

From this it follows, so it seems to me, that Hägerström must hold that normative judgements are not proper judgements, not because they express values, but because

60) Hägerström, INLM p. 120.

61) Hägerström, INLM p. 125, also here the next quotation.

62) Hägerström, INLM p. 109, cf. p. 135.

63) Hägerström, INLM p. 121.

there is a complex state of mind behind the utterance.

Thus, Hägerström's claim concerning the nature of value-judgements "that the object - value - depends upon the feeling or desire which belongs to it" cannot be true for normative judgements. Or else Hägerström contradicts himself holding that commands and normative judgements after all depend upon values. This is accepted by Hägerström in case of axiological judgements. There is, however, the flaw in Hägerström's argument concerning the use of "depend" in the sense of "cause" and in the sense of "own".

I conclude that Hägerström's argument for his claim is flawed. It is flawed because of Hägerström's theory of meaning. This makes him set about finding and locating real meaning of words in the consciousness of people.

A third comment is that Hägerström slides from the premiss "the thing is so determined that it possesses in reality a certain character" to the conclusion "thus the thing is independent of the apprehension of the thing". But this conclusion by no means follows. A concept of a thing does not imply that the thing exists.

Hägerström's fallacy is to rely on the assumption: the concept exists if and only if the thing exists. There are no value concepts, hence there are no values. Value terms are mere words. The concept of duty does not exist, hence there are no duties. Normative terms are mere words. The argument is valid, but it is not sound, since the premiss is false. But it leads to Hägerström's quandary: there are duties, there is "the word of command", but "how can we reverence a mere expression?"⁶⁴⁾ So Hägerström is deceived by his own thinking about the way the world is, because he begs the question by assuming that values are not part of the external world, but are only to be found in the imagination. This is confirmed, when Hägerström writes that "the consciousness of value *is* characterized outright by the fact that the object - value - depends upon the feeling or

64) Hägerström, INLM p. 160.

desire which belongs to it".⁶⁵⁾

This is the essentialists' position. Hägerström asserts that his definition of value is a true description of the essence of value. If one asks why this is so, Hägerström can only appeal to his own intuition. It is "intuitively given" that values depend upon the feeling or desire which belongs to them. What is so given cannot be mistaken. Hägerström proceeds as follows. It is intuitively given that the consciousness of something is simple, hence the content which determines the consciousness must itself be simple. What is simple is material. This being the case Hägerström immediately knows, as a matter of logical necessity, that his system of determinate and simple ideas is the real or true system "besides which none other can be discovered".⁶⁶⁾ This is so, for Hägerström knows that there cannot be two systems of ideas, e.g. a system of material ideas (M) and a system of spiritual ideas (values) (V), which are complete and comprehensive. To try to entertain the possibility of two entirely consistent systems of different ideas, M and V, is to try to conceive something which is self-contradictory. Since the only adequate system is M or the material reality, it follows that "a spiritual reality is a *contradictio in adiecto*".⁶⁷⁾

A spiritual reality is equivalent to the reality of values. So Kai Nielsen is wrong, when he claims that Hägerström's thesis of moral nihilism is "tied up with an empiricist epistemology". It is tied up with a rationalist epistemology. Hägerström's thinking declares that there are no values. What if my intuition is that there are values independent of feeling or desire? This intuition cannot, then, by parity of reasoning, be mistaken either.

There are two ways open for Hägerström. One is that every judgement is true. Hence it is not possible to contradict Hägerström's definition. But this is a hollow vic-

65) Hägerström, PR p. 69 (my italics).

66) Hägerström, PR p. 54.

67) Hägerström, PR p. 55. - Kai Nielsen, Review of Metaphysics, p. 491 (cf. above n. 14).

tory, since Hägerström's thesis concerning contradiction is false, cf. above Chapter IV. - The other way is to accept that it is possible to contradict Hägerström's definition, but his intellect is superior, hence his definition is better. The argument then ends in a deadlock, since how can Hägerström possibly establish this except just by reiterating that his definition is true.

If Hägerström endorses the subjectivistic thesis, in the autobiographical version which says "O is right =df "I approve of O", then it follows that there can never be any disagreement about matters of conduct. This is quite a conclusion to swallow for Hägerström, since he claims that some "fanatics ... are in fact leading religion to its demise and thus defiling one of the very highest values of the human race".⁶⁸⁾ How can religion be saved then? The solution is to endorse the emotive thesis which says "Religion has value =df "I express my feelings". This thesis testifies a fact concerning the speaker, i.e. he expresses his feeling and attitudes. To quote Reid "this speech cannot be contradicted without an affront; for, as every man must know his feelings, to deny that a man had a feeling which he affirms he had, is to charge him with falsehood".⁶⁹⁾ Thus, Hägerström cannot be contradicted. But nor can I, even if I am a fanatic leading religion to its demise.

I conclude that Hägerström's "natural conclusion" that the value-judgement cannot possibly be true, is anything but natural. His concept of fanaticism, like that of superstition presupposes the existence of objective standards to which Hägerström implicitly appeals. So Hägerström's natural conclusion is self-contradictory. But I suppose that Hägerström has established his conclusion. Then it follows that values are expressions of feelings. As Hägerström writes "for him who lacks a feeling of obligation, therefore, right and wrong are without meaning".⁷⁰⁾

This is important for Hägerström's inquiry into law,

68) Hägerström, PR p. 273.

69) Reid, *Essays on the Active Powers of the Human Mind*, p. 465.

70) Hägerström, PR p. 252.

to which I shall return in Chapter VI. Here I wish to discuss whether Hägerström endorses the emotive thesis, i.e. moral judgements are not really judgements at all but expressions of feelings or volitions, or the subjective thesis, i.e. moral judgements are not really moral judgements but nevertheless judgements about the judging person's state of mind, that is autobiographical judgements.

Petersson, in his book on Hägerström's value-theory, claims that Hägerström endorses the emotive thesis, whereas Hume, for example, is a proponent of the subjective thesis, cf. above p. 294. What I wish to claim is that Hägerström does not clearly state his thesis concerning moral judgements. To be sure, he says that the "consciousness involved in a feeling can never take the form of a judgement in which the same content which is experienced in the feeling-consciousness is characterized more determinately as a factor in the system of reality".⁷¹⁾ This lends support to the emotive thesis concerning axiological judgements. Such judgements are never value-judgements but simply expressions of feelings.

Concerning normative judgements about duties we have to consider the consciousness of willing or intention to do the right thing. In this case Hägerström says, there are "two factors present in consciousness of intention, viz. a feeling of conative impulse and the idea of a certain action, the imperative form as such represents by its "Thou shalt" the former. The "I will" of an intention *represents* just the conative factor in it."⁷²⁾

This does not give any clear guidance whether Hägerström holds that the emotive thesis also encompasses normative judgements or whether these judgements are rather to be classified under the subjectivistic thesis. The use of "represent" may suggest the latter interpretation; so too the fact that Hägerström writes, at the same page, that what is needed to arouse a feeling in a hearer to do the right thing

"is not the mere utterance of the words but in addition that they should be uttered in a way which is characteristic of the expression of an already existing volition".

71) Hägerström, INLM p. 111.

72) Hägerström, INLM p. 123 (my italics).

What then is this way? The answer is that "it is necessary that the consciousness of the intention in question actually be present in the giver of the order". And then Hägerström says that "in the region of value", e.g. axiological judgements, "every attempt to translate the sentence into a genuinely indicative form ... *is* a mere flatus vocis".⁷³⁾

Thus, axiological judgements are covered by the emotive thesis. A value sentence has "no objective sense" but is "merely couched in such a form that it produces the misleading impression that there is a judgement at the back of it".

What about the region of duty? Here Hägerström says "Against this solution (i.e. the emotive thesis) ... must be set the fact that the duty-sentence in its indicative form does *not* remain a mere flatus vocis; it influences my way of thinking. It really *is the case* that "being under an obligation" functions as a *logical term*."

If it is the case that "duty" functions as a logical term, then it follows that there is a judgement behind the duty-sentence. This, then, supports the view that normative judgements are covered by the subjectivistic thesis.

Later Hägerström says that

"the real position is as follows: It is the *presence of the feeling of duty*, in combination with the idea of a certain action as the right one, which leads to the idea that we are here concerned with an action ... which is of essential importance for the preservation of one's autonomy."⁷⁴⁾

The vital point is how "the presence of the feeling of duty" is expressed. Hägerström says that "it is only if I feel" the conative impulse which is present in the feeling of duty, that the word duty has any meaning. Now "feel" may denote sensation, and in this case duty-sentences express such sensations. Sensations have no objects, the sensation (feeling) and the thing sensed (felt) are one and the same.⁷⁵⁾ It follows that duty-sentences do not express judgements at all. Hence normative judgements are after all to be covered

73) Hägerström, INLM p. 136. Following quotations from this page (my italics, and my brackets).

74) Hägerström, INLM p. 151-2 (my italics).

75) Cf. Reid, *Essays on the Intellectual Powers of Man*, p. 29.

by the emotive thesis. But "feel" may also denote "perceptions we have of external objects, by the sense of touch", and in this case there is an independent object. The feeling and the thing felt are distinct. This involves judgement. "Feeling of duty" then may involve judgement. If this is the case, then normative judgements are covered by the subjectivistic thesis. I am not quite sure whether Hägerström does notice this ambiguity of the word "feel".

Certainly Hägerström holds that neither "value" nor "duty" are objective properties of things or actions.⁷⁶⁾ This rules out that Hägerström subscribes to a cognitive theory in the version of non-naturalism, which he held, at least for normative judgements, until 1910.⁷⁷⁾ It does not rule out that Hägerström subscribes to a cognitive theory in the version of naturalism. As far as axiological judgements are concerned this is ruled out by Hägerström's emotive thesis. There is no objective moral knowledge in this area. This implies, of course, that there is no separate science of values. It also implies that such judgements as expressions of illusions are within the province of sciences such as psychology or sociology. What is studied is the mental elements. Value thinking is really only an aberration of human consciousness, a release of tensions which have been built up in the organs of the body. This fits with Hägerström's materialism, cf. above Chapter III, Section 5. The problem is to offer an explanation of feelings and volitions in purely naturalistic terms. The answer is, perhaps, that the manifestations of feelings of pain and pleasure may correspond to the nervous system of the body. Some answer of this kind is suggested by Hägerström, but never fully worked out.⁷⁸⁾

There are then the normative judgements to consider. Hägerström's analysis involves him in considerable troubles. His basic position is the way of truth: if an object is

76) Hägerström, INLM p. 141, cf. p. 135.

77) Hägerström, *Kritiska punkter i värdepsykologien*, p. 33. This is completely overlooked by Petersson, *Axel Hägerströms värdeteori*, Ch. 2.

78) Cf. Hägerström, PR p. 264, cf. p. 236.

studies then the object must exist in reality, cf. above Chapter IV, Section 8. If normative judgements are studied then they must exist in reality. On the one hand, normative judgements are not mere words, i.e. there is a real meaning to be found here, which implies that there are thoughts behind such sentences. These thoughts can be affected by foreign elements, viz. feelings or volitions. On the other hand, normative judgements are just mere words, i.e. there is no real meaning to be found here, which implies that there are no thoughts at all but only volitions. This is crucial for Hägerström's analysis of legal rules, and I shall return to it in Chapter VI on law.

Thus, Hägerström is on the way of opinion: the object of study is normative judgements, but they are there as thoughts, and they are not there as thoughts. I have an idea of obligation in mind, which I apprehend as real, this idea is on the one hand something determinate, i.e. a thought, on the other hand it is something indeterminate, i.e. a volition. Hägerström has to make up his mind what to do. To accept the way of opinion leads to the completely unintelligible "thing in itself" or to "duty in itself". We must proceed along the way of truth which declares what reality in itself is. This way tells us that if a thing is studied then it has the property of necessary existence. It follows that if normative judgements are studied they must have the property of necessary existence.

If the emotive thesis holds for normative judgements, it follows that there must be volitions or intentions to be found in human consciousness. But if we follow Hägerström consciousness of willing is "not at all any kind of object which could be assigned a place in material and temporal reality".⁷⁹⁾ There must be an object, so what is studied is then volitions or intentions as bodily manifestations. This fits again with Hägerström's materialism. Again the problem is to provide an explanation of volitions in purely naturalistic terms. The answer is, perhaps, that mani-

79) Hägerström, PR p. 235, cf. p. 236.

festations of volitions may correspond to the muscular system of the body. Some answer of this sort is suggested by Hägerström.⁸⁰⁾ But then he faces, in his own words, "the task of explaining the psychological possibility of the logically absurd consciousness of activity". This is, I suggest, a case of confused thinking, since if activity of the will is logically impossible, then the empirical possibility of men's activity is ruled out. For Hägerström the concept of activity has no meaning, but then it is inconsistent to say that thinking is affected by feelings or volitions, since this implies activity. Hägerström's theory then tumbles into ruins.

If the subjectivist thesis holds for normative judgements it follows that there must be judgements, which have the property of necessary truths. There is then a case for moral or practical knowledge. But if this is the case then Hägerström's attack on "modern so-called value-psychology" as a mere conceptual confusion is without any foundation. The subjectivistic thesis holds that normative judgements can be replaced by non-normative judgements without any change of meaning. Ethics as a science of conduct can be reduced to social-psychology. This is also Hägerström's opinion, so he is then confused when he claims that John Stuart Mill and Herbert Spencer are metaphysicians. Hägerström has failed to see the implications of the subjectivistic thesis. Another example where his thinking leads him astray.

The question of the status of normative judgements is then important. Hägerström is not explicit as to which theory he holds. In his book *Inquiries* he seems to endorse the subjectivistic thesis. In his later *Selbstdarstellung* his general claim is that in the area of practical knowledge everything is metaphysics. This gives support to the emotive thesis. He is, however, quite explicit that the question of the nature of value judgements must be solved by a psychological investigation of the peculiar

80) Hägerström, PR p. 233 f.

states of consciousness which are bound up with the feelings of valuation and the feeling of duty. This is psychologism, i.e. the theory that the meaning of terms depends upon human consciousness. On Hägerström's account this is a false theory concerning the objectivity of knowledge. It is also a false theory methodologically, since consciousness of feeling and volition do not exist, which Hägerström seems to forget when he relies on introspection.

It is also a false theory concerning meaning, a point which Hägerström overlooks. This leads Hägerström's thinking astray. Rather than inquiring into the use made of moral terms by living people in his own days, Hägerström turns his back on the present and his eyes on the past. His investigation of the meaning of moral, and especially legal, terms is a genetic and historical inquiry into how the Romans talked, according to Hägerström's way of truth. The result? They talked nonsense, whereas Hägerström reveals the truth, or so he invites us to believe. I think the invitation should be declined.

4. Fundamental Moral Standards

One of the major problems of moral philosophy as an analytic enterprise concerns the meaning of moral terms which I have dealt with in the preceding section. In this section I shall deal with another major problem. This problem concerns whether or not moral judgements can be supported or justified, and if so, on what grounds a justification is made possible. These two problems are interrelated. Hägerström's general position is his thesis of moral nihilism, i.e. moral knowledge is a delusion. This thesis implies that there is something fundamentally wrong with the general belief, which most men have, that there are proper or improper ways of behaving at all, and that it is possible to obtain moral knowledge concerning what actions are right and wrong, and what things men ought to aim at. Hägerström supports his claim that moral knowledge is a delusion by arguing that it is fundamentally wrong to hold that certain moral words, like "right", "wrong", "value", "ought", have

real meaning. Such words are rather words without any meaning at all. Consequently, when men use these words in sentences they think they are putting forward judgements which are true and important for social life in society. As a matter of fact, from Hägerström's conceptual standpoint, they are saying nothing at all. They suppose they are talking sense when they use such words, but this supposition is delusive. It "only gives expression to man's deep-rooted tendency to make his own values into the true essence of reality".⁸¹⁾ This delusion, of course, may have a profound effect on the behaviour of men suffering from it. In this way, Hägerström says "popular morality has come to work in an anti-social and anti-cultural direction".⁸²⁾ A rational man, e.g. Hägerström, will not suffer from this delusion, for a rational man would not suppose he was talking sense, when he was in fact talking nonsense. Since moral words are meaningless they cannot be used to express moral judgements.

If there is knowledge then it is expressed in judgements, and if there is moral knowledge then it is expressed in moral judgements. There are no moral judgements, hence there is no moral knowledge. Thus, Hägerström backs his claim by considering the meaning of moral words. Since there are no moral judgements, there can be no valid method for obtaining moral knowledge. It follows that the question of specifying the principles of moral reasoning does not arise.

Hägerström arrives at his thesis of moral nihilism by taking another way, and it is this way I wish to consider in this section. I shall first consider Hägerström's argument relying on the notions of subjective and objective ideas, and argue that this argument is a failure. Next I shall consider Hägerström's discussion of fundamental standards, and argue that Hägerström's account is incoherent.

The starting point for Hägerström is that there are moral ideas. The question is next to consider the method by which the truth or falsity of moral ideas can be established, and upon what grounds this method rests. The struc-

81) Hägerström, PR p. 90.

82) Hägerström, PR p. 94.

ture of Hägerström's argument is that in the end these grounds turn out to be "a subjective posture" of feelings or interests concerning the supreme values. It follows that the reasons given in support of moral judgements are wholly subjective. If so, then "there is present no consciousness of objectivity whatsoever".⁸³⁾

Moral predicates are not possessed by actions or human beings in the absence of people who pass judgements upon them or who respond to them with such feelings as approval, indignation, or mercy. According to Hägerström's epistemology the possibility of moral knowledge presupposes that it must have an objective reality, moral knowledge must relate to an independent given object in space and time. Since the supreme value is not an independent given object in space and time, but rather depends upon our subjective postures, it follows that there is no possibility of moral knowledge.

Hägerström's assumption is that objectivity requires a material object in space and time. For Hägerström a thing or an event is objective if it exists outside anybody's mind, e.g. a table, and it is subjective if it is or is part of somebody's state or process of mind, e.g. a pain. In connection with sentences, a sentence expresses an objective judgement if it is concerned with something other than a mental event in somebody's mind, e.g. judgements such as (a) "there is a table" or (b) "the number of stars in the universe is actually determinate".⁸⁴⁾ A sentence expresses a subjective judgement if it is concerned with the existence of mental processes or state of mind, e.g. judgements such as (c) "I am happy" or (d) "Hägerström fears God".

Since there are other senses of the terms "objective" and "subjective", I shall call the senses mentioned "objective (1)" and "subjective (1)". I shall draw a different distinction between "objective (2)" and "subjective (2)". In this case a judge-

83) Hägerström, PR p. 88.

84) Cf. Hägerström, PR p. 62.

ment is objective (2) if it is concerned with a subject-matter which is something other than an event in the mind of the author of the judgement. A judgement is subjective (2) if it asserts or expresses the features of a mental process or state of mind in the mind of the author of the judgement. On this understanding of the terms, the judgements (a) and (b) mentioned above are still objective in both sense (1) and sense (2), but judgement (d) about Hägerström is objective in sense (2), since it is not concerned with my state of mind, but with Hägerström's. To be sure, judgement (c) is still a subjective judgement in both senses.

Hägerström does not make this distinction between objective in senses (1) and (2), and subjective in senses (1) and (2). This involves him in great difficulties with judgements concerned with mental processes or mental states. Mental events must somehow be objective (1) if they are to be spoken of in judgements.

To complicate matters there is a third sense of "subjective" and "objective". This sense implies nothing about the subject-matter of judgements, but it does imply something about the background of the author of a judgement. A judgement is objective (3) if the author of the judgement is indifferent, impartial or unbiased in putting forward his judgement about any subject-matter. By contrast a judgement is subjective (3) if the author's judgement about any subject-matter is greatly influenced by his passions.

Hägerström also fails to notice this difference. - It may very well be the case that many judgements, which are objective (1), are not objective (3) but rather subjective (3). As Popper writes, "Everyone who has an inkling of the history of the natural sciences is aware of the passionate tenacity which characterizes many of its quarrels".⁸⁵⁾

For Hägerström, if a judgement is objective (1), it follows that it is objective (2). This is true. But it does not follow, as Hägerström invites us to believe that it is also objective (3). For Hägerström, if a judgement is sub-

85) Popper, *The Open Society and its Enemies*, vol. II, p. 217.

jective (1), it follows that it is subjective (2) as well. But this is by no means the case, as judgements (c) and (d) illustrate. It is by this argument that Hägerström arrives at his thesis of moral nihilism. But this is to beg the question. The correct inference is that if a judgement is subjective (2), then it follows that it is subjective (1). And the question is precisely whether moral judgements are subjective (2). And again it by no means follows that if a judgement is subjective in sense (1) or (2), then it is also subjective (3). If Hägerström's argument is valid, then no person can ever make a reliable report concerning his own mental states. This is surely not a conceptual truth but an empirical matter. Hägerström invites us to believe that his judgements are objective in all senses, and that this is so, since he has purified his mind from the delusions of words and the influence of passions. Hägerström believes that his mission is to expose the false consciousness of other people. But how can Hägerström know that he has freed himself from the religious and social complex which determines the way of thinking of other people? The answer is: by resting knowledge upon his own unified consciousness. The objection is then that the truth or falsity of his judgements cannot be established by reference to his unified state of mind. The truth or falsity of judgements must be established, as Popper claims, by the social aspect of mutual criticism. Thus my conclusion is that Hägerström's thesis of moral nihilism fails, since he fails to notice the ambiguity of the terms "subjective" and "objective" whether moral judgements are objective (3) or subjective (3) is one thing. Quite another thing is the subject-matter of moral judgements, i.e. whether these judgements are concerned with features of the world, i.e. objective (1) or whether these judgements are concerned with mental features, i.e. subjective (1) or subjective (2).

This leads me to Hägerström's discussion of moral standards. Hägerström's inaugural lecture begins by a reminder. This is that our moral ideas are determined by our environment and upbringing. Thus, Hägerström reports Hero-

dotus' account that within the Persian Empire there were some tribes that buried their dead and some that burned them. Each group thought that the other's practice was horrible. Another example is moral points of view of different social classes, i.e. the bitter strife between Capital and Labour, where there is another conflict of principle. What is outrageous for one view is precisely what is just for the other. Thus, for Hägerström "the variations of moral values are unmistakable".⁸⁶⁾ This is a fact. And this fact "unavoidably" leads Hägerström to ask the question, which view is the right one? "What is *the standard*, by which we may measure the correctness of different opinions?"⁸⁷⁾ This question is for Hägerström equivalent to the question: "What is *the standard* which determines man's moral purpose?" Hägerström's assumption is that there must be an answer to this question if there is to be an objective distinction between right and wrong.⁸⁸⁾

To inquire into moral knowledge is to look for "the ultimate goal", or "the good in the proper sense", or "a certain relationship as the right", or "obligation (ought), or the supreme value itself".⁸⁹⁾ Hägerström's inquiry is then guided by his belief that there must be a single supreme value, which is determinative for what we ought to do. If there is such a thing as "the supreme value itself", then Hägerström claims "of course what we ought to do can be decided in an objective manner".⁹⁰⁾

Hägerström's way of formulating his question casts him as a follower of Plato and Aristotle. They also tried to answer the question: "What is the supreme good?" And the particular way, in which a philosophical question is formulated can make a great deal of difference to what answer is possible to it, or whether, indeed, any answer is possible. I suggest that Hägerström's way of putting his question leads

86) Hägerström, PR p. 77.

87) Hägerström, PR p. 79 (my italics).

88) Cf. Hägerström, PR p. 79, 82, 84, 87.

89) Hägerström, PR p. 80, 86, 87.

90) Hägerström, PR p. 87 - cf. for the parallel case in the area of non-moral knowledge, Ch. IV.

him astray. It sends him searching for the standard which determines man's moral purpose. Failing to find any such standard, Hägerström then claims that there is no moral knowledge. But the failure lies in the question, since Hägerström's question implies the judgement that there is such a thing as *the* moral purpose of man, and this implies that there is one and only one thing, that is man's moral purpose. Hägerström fails to examine his question before he starts his examination of what man's moral purpose is. No wonder that Hägerström on the one hand fails to establish a conclusive answer, for the question is unanswerable because wrongly put. It is for example never clear whether Hägerström, when he talks about "man's moral purpose" is thinking of "man" in the sense of "mankind" or "man" in the sense of "individuals". It is far from obvious that mankind has any moral purpose, unless perhaps there is a God, and mankind is thus under a moral obligation to forward the purpose which He has in mind. Since Hägerström is an atheist, this is ruled out if he is consistent. As far as individuals are concerned to talk of "purpose" is to talk of the conscious intention of a living being, a particular human being, to bring about something. But again this is ruled out by Hägerström, since intention or volition is objectless. Indeed, the notion of activity is logically absurd.⁹¹⁾ But this is absurd, since Hägerström then ignores the distinction between a person acting and a person being acted upon.⁹²⁾

Despite all this, Hägerström does establish an answer, viz. that man's moral purpose is to obey the law. Thus, there is a fundamental incoherence in Hägerström's account of moral standards, as I shall show in the following paragraphs.

Hägerström records, as noticed above p. 328, the famous passage in the history of Herodotus which contrasts conflicting customs. The question is how to interpret these facts. Members of each group profess horror at the practices of the other. This may be understood as an empirical

91) Hägerström, PR p. 234.

92) Cf. Reid, *Essays on the Active Powers of the Human Mind*, p. 13.

claim or it may be understood as a normative claim. As an empirical claim it amounts to a sociological theory that a certain group of people thinks that it is right to burn one's parents, whereas another group of people thinks that this is wrong. This does not, however, exclude the possibility that both groups are trying, in different ways, to honour their dead parents. In so far as this is the case, we have a sociological theory claiming that people think that there is in the end one ultimate standard of harmonizing people's interests which is applied to different circumstances of practical life giving rise to specific rules. Hägerström does not consider the last possibility. He takes it as an established fact that there is a great variation in the moral beliefs and practices of different cultures. From this fact he argues, as far as I can see, to the normative claim that what *is* right in one group may be wrong in another group. This is the theory known as ethical relativism which holds that moral judgements and moral norms are to be considered valid only within the society or group of people within a society which has adopted such norms as part of its way of life. By implication any universal validity of moral norms is denied.

If Hägerström uses the sociological fact of the variability of moral beliefs as basis for his theory that there is no moral knowledge, then he must follow the argument where it leads and accept that the same holds in case of scientific knowledge. There is also a great variability in scientific beliefs. This is granted by Hägerström but he arrives nevertheless at the conclusion that there is scientific knowledge, cf. above Chapter IV, Section 7. This is inconsistent. Either Hägerström must hold that there is scientific as well as moral knowledge or that the facts of people's beliefs are irrelevant. All our beliefs, empirical ones no less than moral ones are learned from society. We are not born with any innate beliefs about chemistry or physics, which we learn only in schools, if we learn it at all. Yet this fact does not make us sceptical about the possibility of scientific knowledge, if we follow Hägerström's account of scientific knowledge. Hägerström believes perhaps that we

are born with moral values, writing "we carry within us the conflict between an altruistic and a vengeful morality".⁹³⁾ This is an empirical claim, and it may turn out to be true. Nevertheless Hägerström also believes that our moral attitudes and judgements are learned from the social environment.

"One does not probe to the bottom of the matter if one seeks to understand the way in which conscience functions without considering the centuries of religious education". This is true, but again this fact has no bearing upon the possibility of moral knowledge. Hägerström apparently thinks so. But then he overlooks that the origin or cause of a belief, whether scientific or moral, is one kind of inquiry. The reasons that justify a belief, whether scientific or moral, is another inquiry.

In other words, Hägerström overlooks the distinction, made by Francis Hutcheson, between "exciting reasons" and "justifying reasons" for moral beliefs and moral actions.⁹⁴⁾ Morally and philosophically, the important inquiry is into the justifying reasons of moral judgements just as the important inquiry of philosophy of science is the justification of scientific judgements by a valid method of intersubjective reasoning. In the latter case there is a valid method, for Hägerström this is the principle of knowledge and reality based upon the universal continuum of experience, cf. above Chapter IV, Section 6. Does the same hold in the moral area?

Confronted with conflicts of moral judgements Hägerström considers some standards which may be used "for judging the correctness of particular moral opinions". He mentions three standards,

- 1) the standard of observable realities, viz. "evolution",
- 2) the standard of "unobservable realities", or "the supernatural reality", viz. "consciousness of obligation",

93) Hägerström, PR p. 79, for the next quotation in the text see p. 86.

94) Francis Hutcheson, *Illustrations on the Moral Sense* (1728) in *British Moralists 1650-1800* (edt. D.D. Raphael) Oxford 1969, vol. 1, p. 308.

3) the standard of "our own moral consciousness".⁹⁵⁾
I shall consider these in turn.

First there is the standard of evolution. The word "evolution" is ambiguous", Hägerström says. This is not quite correct. It is rather people who use the word "evolution" ambiguously. According to Hägerström people use the word to signify either "progress towards the realization of an objective purpose, lying within the thing itself" or "the developing adaptation of a thing to the requirements of life".⁹⁶⁾ What Hägerström has in mind is the question of man's moral purpose. What he wants to know is whether there is something which fashions human beings along with other objects in the world to serve this end.

Evolution is considered to provide an answer to the question: what is man's moral purpose? Hägerström objects that when the word is used in the first sense, there is no determinate answer. Hence evolution cannot serve as a standard. When the word is used in the second sense, there is a determinate answer. This is, Hägerström says, that "progress is necessary". Hägerström probably thinks of Herbert Spencer's equation of evolution with progress based upon the principle of the survival of the fittest.

My objection to this principle is that it is either a tautology (if "fit" means "able to survive") or false (if "fit" means "physically fit"). So the principle is useless as a standard.

Hägerström's objection is rather based upon that mere life is not man's moral purpose. For Hägerström man's life must have some meaning. Hägerström disagrees with the view put forward by Macbeth:

"Life's but a walking shadow ; a poor player,
That struts and frets his hour upon the stage,
And then is heard no more : it is a tale
Told by an idiot, full of sound and fury,
Signifying nothing."⁹⁷⁾

95) Hägerström, PR p. 82, p. 79 f. - Cp. above Ch. IV, Sec. 8 for the way of opinion, the way of illusion, the way of truth.

96) Hägerström, PR p. 79 f.

97) William Shakespeare, Macbeth, Act V, V, 24.

How can an issue between Hägerström and Macbeth be settled except by fiat? Ruling "mere life" out as the ultimate goal Hägerström in fact presupposes that he knows what the ultimate purpose is. What this is remains to be revealed after having discussed Hägerström's next suggestion. This is the standard of "the supernatural reality which is supposed to manifest itself in the consciousness of obligation". What Hägerström has in mind is the Kantian doctrine of "Autonomy of the will as the supreme principle of morality".⁹⁸⁾ Hägerström's discussion of Kant is brief and his quotation of the Kantian formulas is not accurate. Hägerström follows Hegel in rejecting the Kantian principle of duty for duty's sake as an empty notion.⁹⁹⁾ I am not sure whether this criticism is to the point. In another context Hägerström claims that "for Kant morality in itself has no value whatsoever".¹⁰⁰⁾

Hägerström, it seems to me, is definitely wrong, but I shall not pursue my criticism. Hägerström's discussion of the relation between the supernatural will and the natural order is also confused.¹⁰¹⁾ He uses the law of excluded muddle, but confuses negatives (natural and non-natural) with opposites (natural and supernatural). His discussion is a muddle and there is no use trying to unravel it.

But Hägerström has then arrived at the third standard, the standard of moral consciousness as a measure of man's moral purpose. In this respect Hägerström claims that "it is evident that we may not use for this purpose our own moral consciousness, as that which is closest at hand. Indeed it is not itself determinate". This suggests that there are two reasons for rejecting moral consciousness as standard. One reason is the appeal to self-evidence. But this may be counterattacked by Bishop Butler's claim that con-

98) Kant, *The Moral Law*, p. 101.

99) Hägerström, PR p. 82, cf. Hegel, *Philosophy of Right* § 135, p. 89 f. cf. Bradley, *Ethical Studies*, p. 156. - And see for a discussion Williams, *The Concept of the Categorical Imperative*, p. 72 f.

100) Hägerström, PR p. 201.

101) Hägerström, PR p. 80.

science is our natural guide in moral matters.¹⁰²⁾ The other reason is that moral consciousness is not itself determinate. If it is determinate may it then be used as the standard, or is this ruled out by Hägerström's appeal to the first reason of self-evidence? The latter seems to be the case, since Hägerström later says,

"if one refers to conscience as that which affords the norms for unifying these spheres of interest, then, as seen from a purely scientific point of view, one has actually only made a declaration of bankruptcy".¹⁰³⁾

Having found that there is no standard which determines man's moral purpose, Hägerström concludes that "the consequence *seems* to be that there is no objective distinction between right and wrong".¹⁰⁴⁾ This suggests that there is, perhaps, an objective distinction after all. Perhaps Hägerström has Hume in mind. Hume says that

"those who have denied the reality of moral distinctions may be ranked among the disingenuous disputants, nor is it conceivable that any human creature could ever seriously believe that all characters and actions were alike entitled to the affection and regard of everyone".¹⁰⁵⁾

Hägerström does not seriously believe this. He is quite adamant that "there is a duty for society to protect itself from such natures (as a Caesar Borgia) just as there *is* a duty for the shepherd to prevent the wolf from doing harm".¹⁰⁶⁾ He is also quite adamant that

"that the action ought to be done is not at all part of what we can discover. The keenest analysis of what is present reveals no such thing. ... Every attempt to draw out of the situation the conclusion that it is actually in the highest degree *of value* to undertake the action is doomed to failure".¹⁰⁷⁾

So Hägerström has involved himself in a self-contradiction. On the one hand there is a duty, for society and the shepherd, to react against "the anti-social individual and anti-social behaviour".¹⁰⁸⁾

102) Bishop Butler, *On the Nature of Virtue* (1736), in *British Moralists*, vol. 1, p. 379, cf. Hägerström's ref. to Butler, INLM p. 208.

103) Hägerström, PR p. 82.

104) Hägerström, PR p. 82 (my italics).

105) Hume, *An Enquiry Concerning the Principles of Morals*, Sec.I, p.169 f.

106) Hägerström, PR p. 92 (my italics).

107) Hägerström, PR p. 88 (his italics).

108) Hägerström, PR p. 71, cf. p. 93 f.

This implies that there is an objective distinction between right and wrong. On the other hand, there is no objective distinction between right and wrong, since it is "nonsense to regard the idea of obligation as true".¹⁰⁹⁾

On the one hand, no moral standard can be found which determines man's moral purpose. On the other hand, a moral standard can be found which determines man's moral purpose. This moral standard is that "an actually autonomous morality is within us, determined only by direct regard for what we esteem most of all".¹¹⁰⁾ If this is so, why does Hägerström then consider it to be "necessary" to inquire into the development of moral ideas? This seems to me to be an indication that Hägerström does not understand his own question. If the standard of moral action is determined *only* by the individual's direct regard for what he esteems most of all, then the individual may consult his own conscience as the only reliable guide. The sense that he ought to do certain things arises directly from the various situations in which he finds himself. At this stage his attitude to obligations is one of unquestioning confidence, determined by his moral conscience.

The question is what do we esteem most of all? For Hägerström the answer is that "*we* wish first and foremost to live an unobstructed life, but this unobstructed life we find in God".¹¹¹⁾ We may also find it in an orderly society, and so live in "eternal blessedness". Thus, Hägerström writes "*we* who long more than anything else for the happiness and refinement of the human race have no need to despair".¹¹²⁾ There is no need to despair, since "all evidence points to the fact" that a "popular morality ... will be born anew out of the ashes of the old morality, with a more emancipated and farsighted vision".¹¹³⁾

Thus, Hägerström also appeals to the standard of evo-

109) Hägerström, PR p. 95.

110) Hägerström, PR p. 93.

111) Hägerström, PR p. 213, cf. p. 179 (my italics).

112) Hägerström, PR p. 94 (my italics).

113) Hägerström, PR p. 95.

lution. The "popular morality" counteracts "the anti-social forces which destroy community and solidarity". The measure is that "the mode of action is good which is demanded by the well-being of the whole race".¹¹⁴⁾ But he rejects this standard, as is shown above. Thus, Hägerström is involved in a self-contradiction.

By using "we" he also commits exactly the error which he finds fault with other authors, viz. that his "philosophy of value ... only gives expression to man's deep-rooted tendency to make his own values into the true essence of reality".

What reduces me to despair is that Hägerström cannot eat his cake and still have it. On the one hand, he claims that the supreme purpose of man cannot be determined hence there is no moral knowledge. Moral teaching is only a teaching about morality. On the other hand, he claims that the supreme purpose of man can be determined, i.e. to live peacefully in society and obey the law. Hence there can be a teaching in morals, whether this discipline then is to be classified as legal science or moral science is a minor question. Hence the basis for the conflicting opinions among Scandinavian legal realists, e.g. the debate between Lundstedt and Ross, concerning the scientific status of the method of welfare.¹¹⁵⁾

Yet it is not surprising that Lundstedt and Ross, though opposed to each other, can both appeal to Hägerström's philosophy. For Hägerström's philosophy is, as I have tried to show, riddled with contradictions. Despite that, it has decided implications as to the conduct of human beings in society. These implications are considered in the next section.

5. Morals and Society

In this section I wish to consider Hägerström's thesis of moral nihilism, i.e. that knowledge of value is impossible, and the implications of this thesis for Hägerström's view concerning the conduct of individuals in society.

Hägerström sets out his thesis in the inaugural lec-

114) Hägerström, PR p. 303.

115) Cf. my *Skandinavischer Realismus*, p. 104 f.

ture which caused such commotion when it was delivered, cf. above Section 2, p. 292. Just being nominated a professor of moral philosophy Hägerström denies to moral philosophy its accepted status as an academic discipline. The function of this discipline is to propound and discuss various theories about the difference between right and wrong conduct. According to the received opinion the answers provided by the moral philosopher help ordinary men to solve their moral problems by giving them some practical guidance in the conduct of their life, by telling them how to live and what they ought to aim at. Hägerström's denial that it is the philosopher's business to provide answers to moral questions, such as "what actions ought we to perform, and what other sorts of actions ought we to refrain from performing?", is perhaps shocking, but there is nothing revolutionary in this view. It is held, for example, by Kant and Hegel, although for different reasons.

What is shocking in Hägerström's thesis that knowledge of value is impossible is the more radical claim that "it is nonsense to regard the idea of an obligation as true".¹¹⁶⁾ Most people would say that the idea of obligation is true and important for life in society, but on Hägerström's theory they are talking nonsense. This is a startling claim, since Hägerström's thesis implies that plain men have been speaking nonsense in all ages. If this is so, then this may lead to the view of ethical irrationalism, i.e. the view that there is no moral order in the world, there is no proper or improper mode of conduct, but people's moral opinions are in short - to use Nietzsche's phrase - "only a sign-language of the emotions ... from an intellectual point of view".¹¹⁷⁾ This is also Hägerström's view, from "the point of view of thought" moral terms are "meaningless", or "combinations of words of the ordinary metaphysical variety inasmuch as one does not pass over to ideas of reality".¹¹⁸⁾

116) Hägerström, PR p. 95.

117) Nietzsche, *Beyond Good and Evil*, p. 92, and p. 101. Hägerström admires Nietzsche, "head and shoulders above all others", letter from May 1896, Waller p. 128 f. (my translation). Hägerström planned to write a book on Nietzsche, but it was abandoned, *ibid.* p. 173.

118) Hägerström, PR p. 70.

This suggests that there is no distinction between moral conduct and immoral conduct or ethical conduct or unethical conduct. If this is so the peace within society, and the peace among societies are put in jeopardy, since moral opinions have no objective basis or justification. Everybody can only appeal to his own feelings and no effective standard of good conduct will be left. This leads to anarchy.

Hägerström has a paramount interest in conduct combined with an ardent desire for knowledge. I have argued that Hägerström's philosophy is inspired by the philosophical, scientific and political upheavals of his own time. His philosophy is presented as the way of truth which once and for ever puts an end to the illusions of philosophy and science. Hägerström claims that we know that the universe is stable, governed by universal and unchanging laws which function independently of human thinking, feeling and willing. These laws can be discovered and understood by rational men who in this way become "the master of nature".¹¹⁹⁾

Hägerström also wants an orderly society. He certainly does not endorse Nietzsche's glorification of war, nor does he endorse the thesis of ethical irrationalism that everything is permitted. On the one hand Hägerström claims that his thesis of moral nihilism does not entail any ethical irrationalism which will lead to dramatic consequences as far as the conduct of individuals is concerned. On the contrary Hägerström's thesis is neutral between particular moral outlooks. This I shall call Hägerström's neutrality thesis. I shall also wish to argue that it breaks down in Hägerström's case.¹²⁰⁾

Hägerström's rejoinder to the accusation that his moral philosophy has dangerous consequences is that it stands "beyond good and evil".¹²¹⁾ It does not teach "that we ought to leave aside all current moral rules and only give consideration to our selfish interests. This is the standpoint

119) Hägerström, PR p. 303.

120) I failed to realize this in my *Skandinavischer Realismus*, p. 59 f.

121) Hägerström, PR p. 96, also here the next two quotations.

of the Sophists".¹²²⁾ This is the position of ethical irrationalism or moral relativism according to which it is maintained that everything is permissible. Hägerström's rejoinder is that this is a moral position, which

"establishes other valuations than those which are contained in our ordinary moral ideas. But science does not have to make judgements of value in this way. Just as it cannot show that given rules ought to be followed, so it cannot show that they ought not to be followed - and that other principles of conduct ought to come forward instead".

Hägerström's rejoinder is, it seems to me, based upon two independent, but opposing, arguments. One argument is that the position of moral relativism is false. This is so, since it "establishes other valuations than those which are contained in our ordinary moral ideas". What are "our ordinary moral ideas"? According to Hägerström "we carry within us the conflict between an altruistic and a vengeful morality".¹²³⁾

I take it that moral relativism relates to the vengeful morality of egoism. If so, then moral relativism, if taken as an empirical theory, is true on Hägerström's own account of "ordinary moral ideas". So Hägerström has involved himself in a self-contradiction. If moral relativism is understood as a normative theory, then Hägerström's rejoinder is still that this is false moral theory, "since science does not have to make judgements of value in this way". The true moral theory is the altruistic moral theory. This also involves Hägerström in difficulties, since this is to make a value-judgement. And a value-judgement, Hägerström says, "cannot be said to be either true or false". Again Hägerström has involved himself in a self-contradiction. I shall return to this aspect below p. 351.

The second argument is more successful. This is that science is neutral. It cannot show that a given rule ought or ought not to be followed. Moral philosophy as a scientific discipline is an empirical science which describes our

122) I pass over whether Hägerström's claim concerning the Sophist is correct, for a discussion see Barnes, *The Pre-Socratic Philosophers*, vol. II, Ch. IX.

123) Hägerström, PR p. 79.

ordinary moral ideas which conflict in a fundamental way between altruistic ideas and vengeful ideas. This is Hägerström's conception of moral philosophy as a teaching about morality which does not commit him logically to any moral judgements. It only commits him to deliver a true theory which Hägerström also hopes will be advantageous to society.¹²⁴⁾

Just as feelings and volitions interfere with thinking and produce metaphysics so thinking can interfere and control them. As he claims "not even our innermost beliefs can ultimately withstand the power of knowledge".¹²⁵⁾ This is an echo of the conviction of eighteenth-century rationalist philosophers.

Hägerström has a firm conviction in the power of the "highly developed brains" of human beings to achieve knowledge and abandon superstition. Some people are ignorant and superstitious because they have been exploited in the name of religion by cunning theologians and the classes which have supported them. These superstitions must be eradicated and people made to realize the proper functioning of reason to achieve steady progress towards community and solidarity. Hägerström writes "ultimately" and this qualification may render his claim quite vacuous. Nevertheless Hägerström believes that his thesis will lead to "a milder judgement on all human aspiration, which follows from viewing things sub specie aeternitatis, from the insight that everything is only a moment in an endless natural context, in which nothing is itself higher or lower".¹²⁶⁾

It is not consistent for Hägerström to consider things under the form of eternity, since for him things are known by us only as existing in relation to a given determinate space and determinate time. Nor can it be consistent to pass "a milder judgement" on all human aspirations, since according

124) In this respect Hägerström is perhaps influenced by Hume, *Enquiry Concerning the Principles of Morals*, Sec. IX, Part II, p. 279 or Edward Westermarck, *The Origin and Development of the Moral Ideas*, London 1906, vol. I, p. 17 f.

125) Hägerström, PR p. 93, cf. p. 299 f.

126) Hägerström, PR p. 95. - This is an echo of Spinoza, *Ethics*, Part V, Prop. XXIX, p. 261 f., rather than a reference to Westermarck as Petersson holds, Axel Hägerströms värdeteori, p. 96.

to Hägerström's own thesis of moral nihilism such a judgement is nothing but a meaningless string of words. The objection from Hägerström may be that the distinction between valuations and judgements is ignored. The neutrality thesis is overlooked, this is the rejoinder to my objections. But then my reply is that Hägerström's neutrality thesis breaks down.

Hägerström wants to contrast scientific judgements based upon thinking with moral judgements which properly speaking cannot be considered to be judgements, since they are based upon feelings or volitions. Hägerström has, as far as I can see, two arguments for his neutrality thesis.

One argument is the origin and development of moral ideas. They grow out of customs, and these customs are thought of as having been ordained long ago by supernatural beings and recorded in the traditions of the society. These supernatural beings are not only the sources of moral ideas, they provide the authority and the sanction for them. Moral ideas are not thought of as obligatory in their own right, they are always attached to an authoritative reality of supernatural beings, and moral rules are worthy of obedience simply because they are the commands of a norm-establishing reality. The penalty for disobedience is disaster in this world and damnation in the next. Moral ideas are wholly dependent on religion. It is not just that if there had been no religion men would never have learned moral ideas. It is rather that without religion there can be no moral ideas. Religion is equivalent to irrationalism or mysticism, which is "essential feeling and will, not consciousness of an objective reality".¹²⁷⁾

Thus moral ideas are rooted in irrational feelings just as legal ideas of rights and duties "have their roots in traditional ideas of mystical forces and bonds", which have "no basis in reality".¹²⁸⁾ If modern moral philosophy and modern jurisprudence still use such ideas as basis for their judgements then this can only lead to a confusion of thought.

127) Hägerström, PR p. 225, cf. p. 250.

128) Hägerström, INLM p. 16, cf. p. 11.

Such ideas express nothing but feelings and volitions. Neither feeling nor volition leads to knowledge. By contrast scientific judgements are based upon thinking which leads to knowledge.

Hägerström presents his account of the origin of moral and legal ideas as the truth. Morality and law are dependent upon irrational ideas. His argument is that if religion and Roman law can be explained to be an intellectual aberration, an illusion induced by feelings and volitions, then modern theology and modern jurisprudence can be discredited and disposed of in the same way. The argument fails to establish this.

Modern chemistry grew out of the magical theories of the alchemists, but Hägerström does not, on that account, regard it as owing its validity and truth to alchemy. Modern jurisprudence grew out of the theories of Roman lawyers, and in this case Hägerström regards the validity and truth of modern jurisprudence as depending upon Roman law. If this point can be used as an argument against the objectivity of jurisprudence, then it can also be used as an argument against the objectivity of chemistry, or logic, or of every other branch of inquiry.

Hägerström's thinking is confused, since he confuses the origin of a belief with the validity and truth of a judgement. In the case of morality and law he argues that if the origin is irrational, as he supposes it is, then there can be neither valid nor true judgements in these areas. But the fact that I arrive at a judgement irrationally does not mean that the judgement is false or meaningless. In the case of thinking, Hägerström invites us to believe that if we arrive at a judgement by thinking, this means that the judgement is true. This does not hold either, since I may think and calculate and after all realize that I got the sum wrong.

For Hägerström judgements depend upon concepts. Concepts are always objective and can be shown to be rationally linked to other concepts which carry their rational credentials with them, so no thinking person who understands one concept can deny the other. Ideas, by contrast, do not carry their

rational credentials with them. People are not logically or rationally constrained to accept such ideas. Nevertheless they behave in a way which shows that they accept such ideas in terms of their rational merits. This fact requires an explanation and Hägerström sets out to provide an explanation in terms of causes.

This is Hägerström's second argument for his neutrality thesis. He writes in his inaugural lecture,

"note that in so far as we consider that something is actually the case, i.e. that truth is present, we consider also that it is so entirely without regard for our subjective posture towards the fact, our feelings or our interests vis-à-vis the fact".¹²⁹⁾

Concerning values this is not the case. Here Hägerström holds,

"that which is represented as right loses all meaning if it does not hold sway in my will and exert pressure on it in the form of a feeling of obligation. For him who lacks a feeling of obligation, therefore, right and wrong are without any meaning."¹³⁰⁾

Thus, Hägerström's neutrality thesis depends upon the contrast between saying that something is the case, which does not involve any subjective posture, and saying that something is right, which does involve my feelings. But the thesis breaks down and Hägerström himself supplies the evidence. Saying that something is the case

"naturally loses all significance if one does not actually have ideas associated with the feeling of certainty or the feeling of evidence. For then one has no material by which to verify the correctness of the sentence."¹³¹⁾

This is disastrously wrong. The fundamental mistake is Hägerström's search for incorrigible cognitive acts or states. For Hägerström to say "I know that my neighbour has a dog"¹³²⁾ announces the occurrence of a cognitive act or state of feeling. But this is surely wrong, since to say "I know, etc." is rather to insist that I am in a position to justify the truth of what I am asserting.

129) Hägerström, PR p. 89.

130) Hägerström, PR p. 252, cf. p. 89. The same holds in case of God, see PR p. 248.

131) Hägerström, PR p. 60.

132) Cf. Hägerström, PR p. 63.

Hägerström's fundamental mistake leads him to hold the erroneous view that the claimant himself is the best judge. This may be plausible, if knowledge is to be equated with a mental act or mental state of feeling. But this is tantamount to holding that the person who makes the judgement is also the person who should set the criterion for the assessment of the truth of the judgement, and further also decide whether the criterion of logical feeling has been satisfied in the case of the neighbour's dog.

Hägerström holds that a will cannot make an utterance true.¹³³⁾ This is true, but it is also true that claiming or judging cannot by itself make the claim or judgement true. Hägerström's theory of judgement thus actually makes nonsense of the notion of a judgement; for a judgement is made to other people, not to ourselves. The criteria for soundness of judgements must be interpersonal or public. Surely the truth of the judgement about the neighbour's dog cannot be established just by Hägerström's saying so and his logical feeling. The material to be assessed is not his mental state of mind but whether or not the neighbour has a dog. Hägerström, in fact, abandons objectivism and lapses into subjectivism.

A second error follows from Hägerström's supposition that there is but one, and only one criterion available for testing the truth of any judgement, viz. the logical feeling of evidence, which functions as an analogue to the British Standard Yard. If this supposition were sound, there would be no distinction between the activities or method of obtaining knowledge and the position persons get into as the result of such activities.¹³⁴⁾ Only causal conditioning would be involved. This is confirmed when Hägerström writes that

"the most immediate psychological effect of experiencing an expression of a command or of a volition is a conative impulse, just as the experiencing the expression of a judgement calls forth the corresponding judgement, and as the awareness of an expression of feeling calls forth the corresponding feeling".¹³⁵⁾

133) Hägerström, INLM p. 252, cf. p. 301.

134) See Hägerström, INLM p. 139.

135) Hägerström, INLM p. 172.

If Hägerström's account is accepted then there is no difference between sound arguments and unsound arguments. Equally for a judgement or for a command, the only effective support available will be the feelings aroused in the hearer by the speaker. "Support" is no more than causal reinforcement. Similarly there can be no distinction between logically relevant and irrelevant considerations in relation to any judgement or any evaluation of conduct as proper or improper.

"On the assumption of social community of speech, the one and only intention which needs to be involved in the person addressed is to pay attention to the communicator's utterances in order that the corresponding ideas may be evoked".¹³⁶⁾

The consequence is that Hägerström's neutrality thesis breaks down, since every form of discourse is essentially non-rational. It is a matter not of argument but of psychological pressure. It is a matter not of reasons but of efficacious manipulation "paralyzing all genuine willing".¹³⁷⁾

Hägerström's account of moral language is akin to the account later presented by Charles Stevenson. It is worth noticing that Alf Ross based his book "On Law and Justice" on Stevenson's theory. And Ross runs into the same difficulties of explaining the difference between rational and irrational methods for obtaining agreement. In the end there can be neither for Hägerström, nor for Stevenson, nor for Ross any difference between information and propaganda. Stevenson's account has been severely criticized by J.O. Urmson, and I refer to this, since I cannot add anything of significance to his criticism.¹³⁸⁾ I may add that Hägerström's account is not restricted to the use of moral language, it covers also the use of scientific language. In this respect Hägerström is influenced by the American psychologist Edward Thorndike.¹³⁹⁾

Thorndike is primarily concerned with the studies of

136) Hägerström, INLM p. 140.

137) Hägerström, INLM p. 122.

138) C.L. Stevenson, *Ethics and Language*, New Haven 1944, and see J.O. Urmson, *The Emotive Theory of Ethics*, London 1968.

139) Hägerström, *Rätten och Staten*, p. 182. - I am indebted to Duane Schultz, *A History of Modern Psychology*, 3rd ed., New York 1981, p. 187 ff. for my short description of Thorndike's view, the quotation in the text is from p. 188.

learning in animals. His approach is mechanistic and deals with overt behaviour rather than with mental elements or conscious experience in any form. Learning does not involve conscious reflection but is purely a matter of certain bonds between events being fixed and strengthened, while others are weakened or eliminated resulting in the appropriate behaviour formation or appropriate responses.

Thus, he writes that

"if he were to analyze the human mind he would find connections of varying strength between (a) situations, elements of situations, and compounds of situations and (b) responses, readinesses to respond, facilitations, inhibitions, and directions of responses. If all these could be completely inventoried, telling what the man would think and do and what would satisfy and annoy him, in every conceivable situation, it seems to me that nothing would be left out. ... Learning is connecting. The mind is man's connection-system."

This position is a direct descendant of the philosophical associationism of Hume, for example, a position which Hägerström also endorses. Whereas Thorndike talks about connections between situations and responses, Hägerström rather talks about associations or connections between ideas and situations. Hägerström sees man as an animal who has evolved from other animals. So he assumes that men's behaviour patterns must be fundamentally similar to those of animals. Our behaviour is subject to the same causal laws of nature as all animal behaviour. Men are only different in degree of brain power from the rest of the animal world. Men have instinctive behaviour patterns towards aggression or egoism and peace or altruism. And it will be worse for us, unless we come to recognize this. Thanks to our reason it is possible to control our instincts by using proper restraints necessary to a peaceful civilized society, and impart these by "compulsory courses on the social harmfulness of certain actions".¹⁴⁰⁾

Thus, Hägerström uses Thorndike's results and applies these to his analysis of human learning of what is pro-social and what is anti-social. This is illustrated by Hägerström's lengthy discussion of "the psychological content of command"

140) Hägerström, INLM p. 176.

and its relation with "the meaning of the idea of duty".¹⁴¹⁾ Hägerström holds that psychology is the science of experience, and no one can observe an experience except the person having it. So the method to be used must involve self-observation or introspection. In this respect Hägerström differs from Thorndike. This approach presents Hägerström with difficulties, e.g. "the possibility of another person's duty", which he resolves by "postulating the existence" of a feeling of duty.¹⁴²⁾ But this is to evade the issue. For Hägerström "there seems to be an insuperable difficulty in understanding such a state of consciousness which involves a consciousness of duty as something real".¹⁴³⁾ The difficulty is largely due to Hägerström's own way of formulating his questions and the method he uses to answer them. And the reader of Hägerström's book is presented with an "insuperable difficulty". On the one hand Hägerström holds that "it is *necessary* that the consciousness of intention... shall *actually be present* in the giver of the order". On the other hand he also holds that "we *must assume* that in an imperative the giver of the order *has a feeling of conative impulse*".¹⁴⁴⁾ If it is "necessary" then it is misleading to say that "we must assume" a feeling. And why must we assume a feeling of duty anyway? The answer is probably that the feeling must be there, otherwise there is no material to observe.

As far as I can see Hägerström confounds a methodological question with a logical question. The methodological question is whether to study word-association in terms of subjective feelings aroused by learning words on the basis of introspection or rather whether it is more fruitful to study behaviour and present an account of word association in terms of bodily changes or responses, such as pulse-rate or breathing, based upon observation and experiments. Hägerström favours the method based upon introspection. But then

141) Hägerström, INLM p. 116 ff. (also printed PR p. 97 ff.). For a discussion see also C.D. Broad, Hägerström's Account of Sense and Duty and Certain Allied Experiences, Philosophy vol. 97, 1951, p. 99 ff.

142) Hägerström, INLM p. 170 f.

143) Hägerström, INLM p. 132.

144) Hägerström, INLM p. 123 and p. 124 (my italics).

he confuses this point with the altogether different logical question whether mental words are synonymous in meaning with some behavioural words or not. If the latter is the case, and Hägerström seems to hold this view, then are such words then to be discarded as meaningless? Hägerström's answer is affirmative, since they do not have any referent. If so, then mental talk is meaningless noises. It follows then according to Hägerström that there are no such things as feelings. But according to the methodological point there must be, otherwise there is no subject-matter for psychology to study. The way out is then to hunt the referent of mental terms and find this to be that they refer to ideas in the mind. What these ideas then refer to is never made clear. It is not quite clear to me what Hägerström's opinion is.

Hägerström also holds that "it is obvious that we sharply distinguish between duty and feeling of duty".¹⁴⁵⁾ If this is so, then why engage in a psychological investigation of the feeling of duty at all? The answer is that Hägerström is confused. Duty becomes equivalent to the proper feeling of duty. He practices introspection, and stamps his ideas into the appropriate responses of his listeners.

Learning does not involve conscious reflection, since "utterances themselves are not in any way formed deliberately in so far as a real community of speech exists".¹⁴⁶⁾ Utterances "necessarily react upon the subject" to impart the appropriate response. So unsuccessful responses must be seen as a case where no "real community of speech exists". If the hearer of a judgement or a command is not causally affected, then the hearer is not a rational person at all.¹⁴⁷⁾ Hägerström's theory of knowledge and learning is then important for the life of individuals in society.

Hägerström conceives the social community of speech as a way to change or reinforce beliefs and attitudes. When used successfully the implication is that it renders itself superfluous. The sole end of language is to attain agree-

145) Hägerström, INLM p. 133.

146) Hägerström, INLM p. 140.

147) Cf. Hägerström, Socialfilosofiska Uppsatser, p. 63.

ment, so the use of language may be jettisoned when agreement has been attained. Hence Hägerström's henchmen never asked, or were never allowed to ask "the dangerous question whether the conviction is true or not".¹⁴⁸⁾

The question is a dangerous question to ask precisely because once a conviction is challenged the important question becomes, how does one tell which of the alternative possibilities ought to be accepted? On what basis can one defend or refute one's claims? On Hägerström's account of language and learning such questions need to be stamped out.

In his inaugural lecture Hägerström thinks that "the course of the further development of morality ... actually leads (to a prediction that) a revolution in the outlook of western civilization is at hand, the full scope of which no one can comprehend".¹⁴⁹⁾

Anyway, I will try to comprehend the kind of society to which Hägerström's way of thinking leads. On the basis of his theory of knowledge and learning we can look forward to the perfect society described in George Orwell's "Nineteen Eighty Four". A time when "the whole world will be united by the same sentiment which united the primeval clan, and which made its members think, feel and act as one".¹⁵⁰⁾

To-day's Sweden is on its way to this state of blessedness. Hägerström and his henchmen have done a proper job. They realized that it is easier to change people's attitudes by propaganda than to change things by force, as the Marxists suggest. "We know", Hägerström writes, "that it is possible by means of suggestion, i.e. by infusing faith, to bring about purely physical changes in the organism which are not under the control of the will - e.g. to raise blisters".¹⁵¹⁾

Applying this knowledge, Hägerström uses language as a means of suggestion which brings it about that people feel powerless to change things and direct their instincts away from the "vengeful morality" towards the "altruistic morali-

148) Hägerström, INLM p. 167.

149) Hägerström, PR p. 93 (my parenthesis).

150) Quoted from Passmore, The Perfectibility of Man, p. 266.

151) Hägerström, PR p. 233.

ty"¹⁵²⁾ so that people come to agree with Hägerström's theory of a society free of change, in which "the fundamental norm" is "the general feeling of security".¹⁵³⁾ This reflects Hägerström's own dream of a stable world, in which he may achieve the security for which he longs.

It presents him with a conceptual difficulty. According to Hägerström's theory of knowledge he is "only a moment in an endless natural context". According to his theory of language utterances are not deliberately created but rather we are forced to use certain expressions. If this is so, it is inconsistent to claim to have a mission, as Hägerström does. It is inconsistent to claim that it is possible, by using language, to redirect people's instincts in the proper direction. His utterances in this respect are themselves determined by causal laws. But how can such utterances have any causal efficacy in a deterministic world?

Hägerström's answer is, perhaps: Had he (per impossible) not presented his philosophy, men would not have abandoned their illusions and superstitions. Thus, his philosophy is neither fatuous nor futile. Hägerström's comfort is then that he is after all an important "moment in an endless natural context". But this comfort will dissolve when Hägerström begins to think that this comfort is itself determined by causal laws according to his theory of knowledge. So his comfort is an illusion.

Hägerström's position is inconsistent. Hägerström's philosophy is a revolution. But revolutions do not happen, neither in the natural nor in the social order.

Hägerström's thesis of moral nihilism states "that moral ideas have nothing at all to do with truth and reality itself".¹⁵⁴⁾ On the other hand, Hägerström also claims that "one can definitely observe a universality in moral ideas. That is, that mode of action is good which is demanded by the well-being of the whole race".

I wonder how this is possible when "moral ideas" are

152) Cf. above p. 340.

153) Hägerström, INLM p. 176.

154) Hägerström, PR p. 303. - Following quotations are from this page.

"meaningless" and have "nothing to do with truth and reality itself". As far as I can see Hägerström is involved in a self-contradiction. Hägerström turns out to be a moralist.

To substantiate this claim I refer to the fact that Hägerström has a meta-ethical theory according to which "good conduct" is defined as "demanded by the well-being of the whole race". He has a normative theory of conduct "to counteract the anti-social forces which destroy community and solidarity". This presupposes a distinction between pro-social forces which preserve and anti-social forces which destroy "community and solidarity". This distinction is based upon "the instincts which underlie moral ideas". Here Hägerström tells us "one must assume that the instincts which underlie moral ideas are the social true instincts which generally sustain society and without which the race could not continue as the master of nature" and "the master of all living beings". Again it presupposes that "happiness and culture" are the basic goals which ought to determine man's conduct.

From the meta-ethical view that "good conduct" means "demanded by the well-being of the whole race" and the empirical premise that "vengeance is not demanded by the well-being of the whole race" Hägerström is logically committed to the moral view "vengeance is wrong conduct". This is perhaps an illustration of Olivecrona's remark that "in his more popular writings Hägerström sometimes gave expression to his own valuations but such occasional utterances are, of course, to be distinguished from his scientific propositions".¹⁵⁵⁾

My comment is that if Hägerström's valuations must be distinguished from his scientific propositions then there is not very much left for consideration. - I disagree with Olivecrona that Hägerström does not establish "guiding principles of legislation, judicial practice, or social organization". Hägerström does so on the basis of his meta-ethical definition of "good conduct", cited above, and he also holds a normative theory.

155) Olivecrona, in Hägerström INLM p. XXI.

As far as I can see, to propound a normative theory is not suspect per se. It only becomes so, when Hägerström declares that he is not engaged in moral teaching at all. He is, and the basis for this theory is his causal theory of learning, described above, combined with his normative theory of good conduct. This is of some importance, since Hägerström contends that morality is an illusion. When Hägerström puts forward this contention all that is being contended is that some value-judgements are illusions. It is a delusion, for example, that some things are better for people to have than others, e.g. that it is good to possess a barrel of potatoes to mention Hägerström's example.¹⁵⁶⁾ I wonder whether starving people will agree with this. On Hägerström's normative theory of conduct "it is impossible to make oneself insensible to natural suffering".¹⁵⁷⁾

So what is to be done? It becomes important to cause the appropriate feeling of obligation and to purify this feeling from "a foreign element of a norm-establishing reality" or "the misleading idea of a commanding power within us which is determinative of right action".¹⁵⁸⁾

So it is by no means an illusion that there are obligations. It is manifest that a society where people do not believe they have any duties and where people are not in any way guided by these beliefs is a society where everybody will be very badly off indeed. Hägerström claims that "one may not draw the conclusion ... that it would be impossible to delineate an obligation for other persons in any sense". He also claims that "it is nonsense to regard the idea of obligation as true".¹⁵⁹⁾

This is perhaps inconsistent. It leads to Hägerström's inquiry into the nature of law, which is the subject-matter for the next chapter.

I conclude this chapter by claiming that Hägerström's moral philosophy is seriously flawed. Hägerström's inaugu-

156) Hägerström, PR p. 70.

157) Hägerström, PR p. 283.

158) Hägerström, PR p. 89 and INLM p. 157 respectively.

159) Hägerström, PR p. 90 and p. 95.

ral lecture caused a good deal of commotion in 1911. And rightly so, but for the wrong reason. It was held that Hägerström's thesis would lead to social anarchy. Precisely the opposite is the case as I have tried to show. It seems to me that if such a society will be realized, it will be Hell, not Paradise as Hägerström invites us to believe.

Chapter VI

Axel Hägerström's Inquiry into Law and Legal Science

"We must think things not words or at least we must constantly translate our words into the facts for which they stand if we are to keep the real and the true."

Oliver Wendell Holmes, Jr.*

1. Introduction

Hägerström's jurisprudential writings are fairly well-known in the English-speaking world. Hägerström is presented as the master and the founder of a distinctive approach to law called the "Swedish School of Legal Realism", or more generally "Scandinavian Realism".¹⁾

Hägerström's approach to law and legal science is an application of his theory of knowledge. It is to proceed along the way of truth, taking as the object of thought the law, which must exist if legal science is to be a genuine science. Hägerström's aim is, in his own words "to throw light on the real nature of law by means of the critical investigation" of the prevailing theory of law, viz. the will-theory.²⁾

When Hägerström uses the phrase "throw light on", what he refers to is that it is by using reason that the philosopher discovers the real nature of law. Just as a candle renders an object visible but does not produce it, so reason does not make the nature of law, but reveals its essence. The critical investigation referred to is Hägerström's theory of meaning and knowledge, cf. above Chapter IV. This investigation proceeds on the basis of the method of essentialism, which I shall present in Section 2. It is a version of the

* Oliver Wendell Holmes, Jr., Address, New York State Bar Association, 17th January 1889. - Quoted from the International Thesaurus of Quotations (edt. R.T. Tripp) Penguin Books, 1970 Entry 1057.16.

1) See Lon L. Fuller, Book Review, Columbia Law Review, vol. 41, 1941, p. 965, at p. 966; and H.L.A. Hart, Scandinavian Realism, Cambridge Law Journal, 1959, p. 233 ff.

2) Hägerström, INLM p. 56, and p. 248 for the next quotation.

Platonic-Aristotelian method of revealing the real nature of law by an intellectual intuition. On the basis of this intellectual intuition, Hägerström dedicates most of his jurisprudential writings to a sustained attack on every conceivable theory which holds that law is an expression of will. This attack is quite consistent with Hägerström's general attack on voluntarism, cf. above Chapter III, Section 5, especially p. 162 f., Section 6, especially p. 189 f. and Chapter V, Section 1, p. 287 ff.

The ground for the attack is that reality presents itself as an intelligible ordered system, whose fundamental character is accessible to human thinking. If the real nature of law is will, as the will-theory claims, then law becomes something which is created, changeable and arbitrary. Hägerström's objection is that it is logically impossible to establish anything through the mere existence of wishing or willing. It is logically impossible to establish genuine duties through mere willing. If law is will then this implies that law is not amenable to the scientific method of thinking which presupposes that reality is constant, cf. above Chapter III, Section 5, especially p. 143, and p. 173 f.

I shall not enter into any detailed discussion of Hägerström's arguments against the will-theory. Suffice it to mention that the general structure of his argument is based upon the Aristotelian view: "for we say that that which everyone thinks so, really is so, and the man who attacks this belief will hardly have anything more credible to maintain instead".³⁾

Hägerström's argument against the will-theory then proceeds as follows: Everybody says that he has rights independent of the will of state. Hence it is the case that everybody has rights independent of the will of the state. But the will-theory states that the basis for subjective rights of individuals is the will of the state. Hence the will-theory must be wrong, since it is in conflict with

3) Aristotle, Nicomachean Ethics, Ch. X, Sec. 2, p. 250.

Handwritten note: "Hägerström's argument?"

the ordinary consciousness.⁴⁾

Having refuted the will-theory, Hägerström then proceeds to demolish the ordinary consciousness by using the same argument: Hägerström holds that sound reason reveals subjective rights to be illusory or pure magic. Hence it is the case that subjective rights are illusory or pure magic. But individuals believe that they have subjective rights. Hence the ordinary consciousness of individuals is confused, since it is in conflict with sound reason. Hägerström's argument is unsound, since he confuses the meaning of "right" with the quite different question: what actions are right or wrong? It is one thing to ask how the words "right" and "obligation" are used, quite another thing to ask what things individuals think are right or wrong.⁵⁾

I have written an exposition of Hägerström's attack on the will-theory, to be included in this thesis. On second thoughts I put it aside. It can be produced if so wished. But I find that it is more interesting to try to concentrate on Hägerström's own theory of law. - In Section 3 I shall present Hägerström's theories of law. My thesis is that Hägerström has two theories of law, a formal theory of law and a psychological theory of law as I shall call them. The formal theory holds that the real nature of law is reason. The psychological theory of law holds that the real nature of law is interests, which are expressions of volitions. Hägerström's formal theory is akin to Kelsen's pure theory of law. - In Section 4 I shall compare Hägerström's approach and Kelsen's approach. - In Section 5 I shall consider Hägerström's epistemological objection to Kelsen's theory, and argue that it fails. - In Section 6 I shall consider Hägerström's legal objections to Kelsen's theory, and argue that they are misplaced. - In this section I shall also consider the question: "Is it a duty to obey the law?" and Hägerström's affirmative answer. - In Section 7 I shall consider Hägerström's model of law as a machine, and argue that it is de-humanizing. - Finally, in Section 8, I shall consider

4) Cf. Hägerström, INLM p. 217.

5) Cf. R.M. Hare, *Essays on Philosophical Method*, London 1971, Ch. 7.

Hägerström's position in relation to his well-known pupils, Lundstedt, Olivecrona and Ross.

2. Hägerström's Aim and Method

In Chapter III I have argued that Hägerström's philosophical endeavour is determined by his aim at understanding the world and man's place in the world.

Hägerström's claim is that the world is understandable. The world is an intelligible natural order of events governed by necessary laws of cause and effect. This world then displays a necessary regularity between events independently of man's thinking, feeling and willing. It can be explored by sound reason which dispassionately teaches us that there is only one world and this world is a connection of causes and their effects. Rational knowledge consists simply in knowledge of objects and their objective characteristics exemplified in genuine scientific concepts. These objects exist independently of us, and what matters is to state the essence or true nature of objects by real definitions. Such definitions are not mere conventions about the use of words but are explanations of the essential nature of whatever is the object of study. To arrive at definitions is a matter of scientific thought, which does not make, but finds the kinds of things in the world. As Hägerström says, "an astronomer who made a statement about the position in which the planets would be at a certain moment, and then asserted that they will take up this position because of his statement would at once show himself to be crazy".⁶⁾

The astronomer might be crazy, but what is not crazy is to claim that a planet will take up a certain position and then test whether this claim turns out to be true or false. Here as elsewhere Hägerström overlooks that theories are not forced upon astronomers but are their inventions. If a theory turns out to be in conflict with the actual position of the planets, it must be discarded as false.

Certainly we may - with Hobbes - say that "the privilege of absurdity, to which no living creature is subject

6) Hägerström, INLM p. 302, cf. Hume, Enquiries concerning Human Understanding, Sec. XII, Part III, p. 164.

but man only. And of men, those are all most subject to it, that profess Philosophy."⁷⁾

Turning to man and his place in society as the object of inquiry, Hägerström's aim is to provide a definition of "the *real nature* of law, which will lead up to an exposition of the *concept* of law which *really covers the fact* which legal theorists have in mind in their attempts at conceptual construction".⁸⁾

The wording of this passage is significant and revealing. It shows that Hägerström thinks that to have the concept of law is to know the real nature of law, to have apprehended the facts which characterize law and make law what it really is. It also shows that Hägerström thinks that having a concept of law involves a cognitive relation between a legal theorist and the object he is studying, viz. law.

The question then becomes this: How is it possible to know the real nature of law? When Hägerström refers to what legal theorists have in mind, is he then doing empirical psychology of their minds? This is hardly the case, at any rate Hägerström does not provide us with any findings resulting from empirical research. Besides what is going on in a scientist's mind in terms of ideas is one thing, quite another whether these ideas are true or false. Hägerström is interested in genuine knowledge about law, which implies that he must consider ideas expressed in judgements or propositions by means of notions or concepts. So Hägerström is engaged in a conceptual investigation of the real nature of law, and the method he uses is the method of essentialism. That this is the case is corroborated by a passage in an article from 1935.

Hägerström asks the question what has a philosopher to do with jurisprudence? Jurisprudence is a science Hägerström says. Its function is "merely to establish the facts within a certain region, to reach general principles by induction, and to make deductive inferences from the induc-

7) Hobbes, Leviathan, Ch. 5, p. 113. - Cf. for Hägerström's way of investigation PR p. 62.

8) Hägerström, INLM p. 56 (my italics).

tively established results".⁹⁾ This is Hägerström's scientific method in a nutshell, which I do not intend to criticize in any detail. I only wish to point out that this Baconian recipe for jurisprudence as a rational science hardly stands a closer scrutiny. But it surely reflects the view held by Lundstedt and Olivecrona that a scientist begins with a careful and unbiased collection of all the facts under investigation as a preliminary to identifying "the true nature of law".¹⁰⁾

It is evident that Hägerström is concerned with the problem of constructing self-consistent and coherent concepts within which argument will proceed with formal rigour and clarity. Hägerström is, I take it, following Hobbes' view "he that Reasoneth aright in words he understandeth can never conclude an error".¹¹⁾ This is precisely the task of the philosopher to see what the scientist understands by his words. So it is quite legitimate for a philosopher to have something to do with jurisprudence.

Hägerström's argument is that

"the fact (is) that the notions which are used for describing what is actual may very well be delusive. If they disclose to analytic scrutiny a contradiction, they are notions only in appearance. In that case there is merely a concatenation of words without meaning. And the alleged fact, which is supposed to have a nature defined by the "notion" would be no fact at all. Ever since Socrates' time it has been held that one of the highest tasks of philosophy is to analyze notions which are in common use in order to attain a real world of coherent concepts which must be internally coherent. For the reality, with which science is concerned, cannot be determined by means of judgements which contradict each other. No doubt it is always possible to put such judgements into words, but these words have no meaning. Therefore no science which claims to describe reality can evade a conceptual analysis of this kind."⁹⁾

The conceptual analysis Hägerström has in mind depends upon the contrast between "reality" and "appearance", between "a real world of coherent concepts" and "notions only in appearance", between "facts" and "no facts", or between

9) Hägerström, INLM Ch. V: The Conception and Declaration of Intention in the Sphere of Private Law, quotation at p. 299.

10) Olivecrona, Law as Fact, p. 9, cf. p. 11.

11) Hobbes, Leviathan, Part IV, Ch. 46, p. 682.

"words with meaning" and "words without meaning". If so, then one important question is to indicate a method for teaching another person the difference between reality and appearance. Another important question is whose business it is to teach the correct procedure. To the latter question Hägerström's answer is that this is the task of the philosopher, not the task of the scientist. Why is this so? Hägerström's answer is that "it has been held that one of the highest tasks of philosophy is to analyze notions".

The objection may be that it has been held to be the task of philosophy, but this assumption is false. This threatens to put an end to the whole enterprise of the philosopher's effort to attain a real world of coherent concepts, before he has begun his efforts. It is rather a task for the scientist to establish a coherent set of concepts, or at least scientists are not debarred from pursuing this task. Hägerström's reply to the scientists is that before science can begin it is necessary to provide a systematic inventory of the various kinds to be studied. In this respect science - including legal science - rests on inarticulate assumptions. It is the philosopher's task to bring these into the open and examine them critically.

Philosophy is the highest form of inquiry, just because it alone involves no presuppositions, cf. above Chapter II, Section 5, especially p. 78 f. This is the Platonic approach to philosophy. That it is shared by Hägerström and Olivecrona is confirmed by some extracts from his writings.¹²⁾

Hägerström states

"I have certainly not taken my basis in any theory concerning the nature of law. ... It is very dangerous, from a methodological point of view, to allow an investigation concerning the ideas of certain people during certain epochs to be in the least degree influenced by any theory concerning that which is called law."

It may be objected that it is very dangerous, from a methodological point of view, to investigate the ideas of certain people without a theory. In philosophy, as in science,

12) Hägerström, *Der römische Obligationsbegriff*, vol. II, p. 399. Quoted from Olivecrona's introduction to Hägerström, *INLM* p. XIX. - For Olivecrona see, *Law as Fact*, p. 11.

one finds only what one seeks. One cannot have the answers without knowing what the questions are. It is quite useless to investigate, e.g. the Roman ideas of rights and obligations, without some theory in mind which determines the kind of evidence which is relevant for the truth or falsity of the theory. A theory will tell a person what to look for, it will not tell him, what, within the theory, is actually the case.

I suggest that Hägerström has, after all, some theory in mind. And this theory is his theory concerning meaning and knowledge, i.e. that there is a necessary connection between words and things, and that there is a necessary connection between genuine judgements. This connection can be discovered by logical analysis. It is to proceed from sounds to things, from the world of images to the world of facts. This, in turn, involves the fundamental distinction between reality and appearance which is left for the philosopher to explore. His method is the method of induction in the Aristotelian sense of the method by which philosophers are led to perceive the essence or true nature of a thing.¹³⁾ This is for Hägerström "one of the highest tasks of philosophy". This suggests that there are other tasks of philosophy besides the task of conceptual analysis aiming at attaining a real world of coherent concepts which must be internally coherent. Suffice it to say that Hägerström has not attained this world. His phrase "one of the highest tasks" is incoherent, since "the highest task" implies that there is one and only one task, whereas Hägerström implies that there is more than one task.

Another task is, presumably, to provide the proper guidance for men living in society. This guidance is based upon thinking, and the true philosopher's thinking is objective in the sense that it is devoid of values and preconceived notions, so it follows that his guidance is objective. It is guidance not prediction which matters. This is the fundamental difference between the Swedish realistic

13) Cf. Popper, *Conjectures and Refutations*, p. 12.

approach and American legal realism, to which Alf Ross is much closer. Hägerström's guidance is based upon his fundamental values: to achieve peace of mind and to achieve peace in society. Again with Hobbes' words: "Leasure is the mother of Philosophy; and Common-Wealth, the mother of Peace, and Leasure".¹⁴⁾ This aim of peace is, I shall argue later, decisive for Hägerström's theory of law.

These tasks are intertwined for Hägerström, I suggest. The philosopher's task is conceptual analysis, Hägerström claims. This provides an answer to the question raised above p. 13, concerning the proper method for teaching another person the difference between reality and appearance. Hägerström alludes to Socrates. And this is very revealing, since it is precisely the aim of Socrates to ask questions in order to destroy prejudices and false beliefs and help people to look for the essence or true nature of things, e.g. the true nature of virtue, or justice, or law. Socrates himself does not pretend to know the answers to these questions. He does not know what the essence of justice is. He only wishes to make men think by his teaching. He calls to the intelligence of man believing that it will reply to the call. Socrates professes that his only knowledge is knowledge of his own ignorance. His attitude is described by Aristotle in the words "Socrates raised questions but gave no answers; for he confessed that he did not know".¹⁵⁾

Thus, Socrates' teaching is not aimed at teaching any belief, but his teaching rather aims at purging or cleansing the human soul of its false beliefs, its seeming knowledge, its prejudices. Hägerström shares Socrates' view that the human soul must be purged from illusory notions. Knowledge must take the place of ignorance. In contrast to Socrates Hägerström believes that he has got the right answers, so his teaching aims at teaching genuine knowledge, cf. above Chapter III, Section 4, p. 116 f. And those in whose minds it is set must guide their lives in this light of genuine

14) Hobbes, *Leviathan*, Part IV, Ch. 46, p. 683.

15) Quoted from Popper, *Conjectures and Refutations*, p. 13.

knowledge. True knowledge and true teaching coincide. This is exemplified in Hägerström's inquiry into legal notions. If we follow Hägerström's mind, then we follow the way of truth. The concept of right corresponds to the reality of magical beliefs.

In order to establish this conclusion Hägerström adopts the Platonic approach, i.e. the method of essentialism. A subject-matter is discussed, e.g. the notions of rights and obligations inside the individual mind. One view is set up, only to be demolished by another. Hägerström's discussion, in his introduction to *Der römische Obligationsbegriff*, is an excellent example of his technique.¹⁶⁾

Concerning rights "we seem to be dealing with something whose meaning is obvious", Hägerström says. A child is quite clear that the hobby-horse belongs to him, for example. So Hägerström continues:

"It should, therefore, it would seem, present no particular difficulty to explain what the rights in question *really* consists in. And yet to one's astonishment one finds a mighty juristic literature whose object it is to determine the meaning of these notions and which contains all kinds of different views about them."

Hägerström's astonishment, I suggest, is based upon the Hegelian view that "truth in philosophy means that concept and external reality correspond".¹⁷⁾ But in the case of right there is no such correspondence to be found. It may also be based upon the way he formulates his question: "What does right really consist in?" He assumes that it must be possible to discover some identity in all the applications of an ambiguous word. A word like "right" or "duty" is singled out. A survey made of the ways the word is used which is governed by Hägerström's assumption that the word "right" or "duty" must refer to something tangible, just as the word "hobby-horse" refers to a stick with a horse's head.

This assumption may be wrong and Hägerström in fact says that it is "a mistake to reduce the mystical notion of legal duty to factual relationships".¹⁸⁾

16) Hägerström, INLM Ch. I. The quotations are from p. 1 (my italics).

17) Hegel, *Philosophy of Right* § 21, Add. p. 231, cf. above p. 270.

18) Hägerström, INLM p. 8. Following quotations are from p. 1 and 16.

He also says that "modern jurisprudence seeks to use only such notions as correspond to facts". Now, if it is mistaken to reduce the notion of legal duty to factual relationships, then it is quite wrong for modern jurisprudence to "be pushed on by the demand ... to try to exhibit the facts which correspond to its characteristic notions of rights and duties". This is not Hägerström's answer. He subscribes to the view that a concept is altogether impossible, and can have no meaning, if no object is given for it. So there must be an object. Thus, he makes the demand that we shall state what it is that is common to all the ways of speaking of rights in virtue of which they all, and they only are called "rights" or "duties". The answer is "mystical forces". Hägerström presents this answer as the answer to the question "what does the word "right" refer to?" This question is then equated with the question "how do Romans look at right and obligations?" The former question is to ask for a nominal definition, i.e. correlating a word to a thing. The latter question is to ask an empirical question where the meaning of the word "right" is taken for granted. This question is concerned with the question what a Roman had in mind when he was buying or selling things. But then Hägerström says that

"the relevant question is not whether the Romans entertained a true belief when they meant, e.g. that the holder of the imperium (the *vis imperii*) acquired it through the ability to make auspices that was conferred upon him".¹⁹⁾

I should have thought that this is the relevant question, viz. is the belief which a Roman entertains concerning rights and duties true or false? For Hägerström this question cannot be relevant. The reason is that Hägerström commits the methodological error, which he imputes to other writers, viz. "to introduce without justification modern points-of-view".²⁰⁾ In the absence of any possible means of knowing how the Roman mind actually operates Hägerström foists his magical interpretation on the Romans. The basis for this inter-

19) Hägerström, *Der römische Obligationsbegriff*, vol. II, p. 399.
Quoted from INLM p. XIX.

20) Hägerström, INLM p. 58.

pretation is Hägerström's inductive conclusion that the essence of right and obligation is a sort of magic. This is the only natural explanation, Hägerström says. Why? His answer is that the Romans lived under the appearance that they were able to cause things by exercising rational will and choice. In reality this is a superstition, since everything is determined by natural necessity. The implication is then that Hägerström's own effort to purge the modern mind from superstitions is also determined, and how can he possibly interfere with natural necessity? He obviously thinks he can, but only by involving himself in a self-contradiction, which is not fit for a philosopher, who claims to present a real world of coherent concepts.

To revert to Hägerström's natural explanation: this is backed up with inductions in the sense of particular evidence from "some real knowledge ... of reading Justinian's Institutions and Digesta from beginning to end".²¹⁾ This is, needless to say, dubious evidence, since Hägerström already has made up his mind that individual rights and obligations are delusions.

I have promised, in Chapter II, Section 5, p. 80, that I shall not discuss Hägerström's writings on Roman Law. And I am prepared to keep this promise. However, I cannot resist making this remark: Suppose that Hägerström's answer is true. How is it that such magical beliefs and practices (which are anything but reasonable according to Hägerström's way of truth) could nevertheless be accepted by the Romans and help to create an empire? Hägerström holds that law is a condition of culture itself. If law, then, is equated with magical beliefs, the surprising result is that magical beliefs are a condition of culture. If we follow Hägerström we must destroy all magical beliefs. This gives the conclusion that culture is destroyed as well. This is not Hägerström's intention. On the contrary there is a case for upholding culture against attacks from anti-social individuals. So Hägerström has created a problem for himself.

21) I have taken the quoted phrases from Olivecrona's introduction, Hägerström, INLM p. XII.

In this respect Hägerström's writings illustrate his method of essentialism and also illustrate that Hägerström misunderstands his own questions. Hägerström begins by asking a conceptual question, viz. what is meant by the word "right", and ends up by answering an empirical question about the origin of ideas of rights and duties. The answer provided by Hägerström is thought to be an answer which covers the conceptual question, "what does the word "right" mean?" as well as to the normative question, "what makes an action a right action?". Hägerström's mistake is to ask the question "what is the real nature of law?". Like Plato, he uses the question form "what is x?" to ask for real definitions. And the confusedness of the concept of real definition is an effect of the vagueness of the formula "what is x?". For it is the vaguest of all forms of question except an inarticulate grunt.²²⁾

Hägerström uses this formula to ask his questions about the real nature of law. I think that Hägerström's use of this question-form has the effect that he confuses real definition and nominal definition. The question "what is x?" saves Hägerström the trouble of thinking out and saying exactly what it is that he wants to know about law. By saying "what is law?", he can leave to his answerer the task of discovering what particular information about law Hägerström wants. Hägerström is always playing safe, since he can dismiss an answer by the remark this is not the sort of information which he wants. Hägerström wants to see clearly what the object of jurisprudence is. This leads him to present his own theories of law, to which I now turn.

3. Hägerström's Theories of Law

Hägerström's inquiry into law has been regarded as epoch-making, at least in Sweden. Here Hägerström's teaching caused many people to abandon rights and obligations as fictitious or magical notions based upon the individual's feelings or voli-

22) Cf. Richard Robinson, *Definition* p. 190, to whom I am indebted for the following passage.

tions but without any basis in reality. These converts to Hägerström's gospel purport to see the law from the purely scientific point of view of thinking. What they seem to forget is that "we are very apt to overrate the importance of our own ideas" to use a phrase from Olivecrona.²³⁾ This is, no doubt, true. Rather than just obey Hägerström as a cognitive sovereign, it is essential to consider his credentials. From the fact that Hägerström has offered a theory it does not follow that we have to accept it. Hägerström's cognitive sovereignty can be questioned, and this is what I wish to do.

My thesis is that Hägerström offers two theories. There is what I call the formal theory of law, according to which "positive law is only a system of rules for the so-called organs of the state - themselves defined in the rules - a system of rules which is actually carried through".²⁴⁾ And there is the psychological theory of law, according to which

"law is, at any rate to a large extent, an expression of interests; and this is true both of its foundations and of secondary rules. Therefore the question of the intention and the significance of a law is a legitimate one."²⁵⁾

According to the formal theory there is no reference whatsoever to any will. According to the psychological theory law is an expression of intention or will. To be sure, there is no unified will, as the will-theory implies, but "the real state of affairs is that, in the conflict of interests within society, certain interests come to express themselves in the form of laws".

According to the formal theory "the legislator starts with the accepted juristic technique as a factor which is independent of him and regards himself as determining the law which is put into force *in concreto* only through the words in which it is formulated".²⁶⁾

We are, Hägerström says,

"forced to the conclusion that the only volitional factor in the legislator which can on the whole be considered as

23) Olivecrona, *Law as Fact*, p. 11.

24) Hägerström, PR p. 316, cf. INLM p. 354.

25) Hägerström, INLM p. 41. Here also the following quotation.

26) Hägerström, INLM p. 98 (his italics); also here the next quotation.

positive law is simply the intention to use certain expressions".

If the only volitional factor is the intention to use certain expressions, then there is no reference to any interests.²⁷⁾ On the formal theory there are "thoughts behind the words", which implies that legal rules have "real meaning" independently of the legislator's intention. "No personal power exists which gives the law its force, and therefore no personal wishes in themselves are at all relevant".²⁸⁾

It is quite otherwise according to the psychological theory, since here

"a certain mode of valuation becomes prevalent and stands out as the correct one. It is plain that the standard of values of the socially predominant class must have great importance in this."²⁹⁾

According to the formal theory the function of the judge is to render "the straight judgement which is at one with the truth concerning the case".³⁰⁾

Hägerström refers to Homer and Hesiod but continues to say that

"the judge has the same pacificatory function nowadays by ideal methods ... he is *not merely* an organ of the law as power but also of the law as the doctrine of rights and duties".

It follows that the judge in legal controversies does really and truly express the objective norm for rights and duties, which is the cornerstone of social peace. The same applies to the legislator who

"feels himself bound by an objective norm for rights and duties which stands above him. He feels obliged to give positive legal force to this, without regard to his social wishes as to what shall become positive law."³¹⁾

According to the formal theory

"from the normative system of conduct one can deduce with logical necessity that in such and such a case, such and such an action is a duty in respect to another's right".³²⁾

27) Cf. Hägerström, INLM p. 354.

28) Cf. Hägerström, INLM p. 82, cf. p. 312, p. 241.

29) Hägerström, INLM p. 77.

30) Hägerström, INLM p. 89, also here the following quotation (his italics).

31) Hägerström, INLM p. 91.

32) Hägerström, INLM p. 293, cf. p. 207, 241.

According to the psychological theory (PT:)

"the law's utterance 'it shall be so!' is merely a phrase which does not express any kind of idea, but serves as a psychological means of compulsion in certain cases. (FT:) But it is only from ideas that any logical conclusion can be drawn. On the other hand, the ideal content of the law is of course used in the case in question. And (PT) it is only for psychological associative reasons and (FT) not for logical ones, that the result he reaches by this application presents itself to him (FT+PT) as an ought."

I have inserted (PT) and (FT) in order to show that in one passage Hägerström moves from the psychological theory (PT) to the formal theory (FT) which "of course" is used by the judges to present the parties in the dispute with a decision, where the use of "ought" is conflated. The conflation in question is between "ought" in the sense of motivation or "exciting reasons", and "ought" in the sense of justification or "justifying reasons", cf. above Chapter V, p. 332. One final passage needs to be quoted in order to substantiate my thesis. The passage runs:

"Laws are thus not imperatives in the usual sense, i.e. commands issuing from a certain authority. Their force therefore does by no means rest only on their imperative form. This is indeed important from the *psychological point of view* and it is in fact a distinguishing mark of actual laws. *But a law as such is characterized only by the fact that it occurs as an item in a whole system of pronouncements of universal scope, produced in a certain way and issued in a certain form, which do in fact get their ideal content actualized in society.*"³³⁾

There is here clearly a distinction made between the psychological point of view, i.e. what I have called the psychological theory of law, and the non-psychological point of view which is concerned with a law as such, i.e. the formal theory of law. Thus, I think I have established that Hägerström has two theories of law.

To sum up: There is the formal theory of law. This theory holds that law is a normative system of objective rules for rights and duties. This system has binding force or "categorical validity", i.e. it stands above the governing authorities and the people. The legislator's will is determined by his knowledge of right and wrong actions.

33) Hägerström, INLM p. 311-312 (my italics).

The foundation of law is "its own spirit, i.e. on principles of equity and public utility".³⁴⁾ This is capable of being objectively ascertained by the law, which constitutes the framework for activities, and there is an obligation to obey the law. What is right and wrong is expressed in rules which are made known to people through formal promulgation. As a means to secure obedience, there are sanctions, in the sense of penalties, attached to the rules. And the authorities are obliged to enforce the rules against offenders of the legal system.

This theory, it may be added is a natural view to adopt for an atheist like Hägerström, who wants to hold both that there is no God, but there is nevertheless right and wrong conduct. It fits with Hägerström's thought that nature is an ordered system and so is society. Thus is upheld thinking against willing and feeling. Hägerström's formal theory is close to Hegel's view:

"For it is not what makes us irascible and resentful, but the fact that it is not as it ought to be. But if we recognize that it is as it must be, i.e. that it is not arbitrariness and chance that make it what it is, then we also recognize that it is as it ought to be. Yet it is hard for the ordinary run of men to rise to the habit of trying to recognize necessity and think it."³⁵⁾

Hägerström has the capacity to recognize necessity, think it, and implant his knowledge in the mind of his pupils.

Then there is the psychological theory. This theory holds that law is an expression of conflicting interests. Law is a coercive system of emotional and attitudinal responses to independent imperatives. These imperatives have binding force, i.e. they are upheld as links in a causal psychological chain between predominant ideas of values of the socially predominant class and the behaviour of people. The feelings are maintained by the authorities using words to cause the right behaviour. Promulgation is a piece of

34) Hägerström, INLM p. 71, 87, 204.

35) Hegel, The German Constitution, in Hegel's Political Writings (transl. by T.M. Knox, introd. by Z.A. Pelczynski) Oxford 1969, p. 145.

magic which works. The important thing is that there are unpleasant consequences, e.g. penalties, applied in case the use of words alone fails to achieve the purpose of securing a comprehensive and harmonious system of feelings to keep people in awe of the state and its officials. The foundation of law is interests upheld by force. What is right and wrong conduct is simply what the authorities use words to command. To know what is right and wrong is a question of paying attention to the commands. This theory, it may be added, achieves the same purpose as the formal theory, viz. to establish law and order; but by using persuasion rather than by appealing to reason or thinking. The important difference between the formal theory and the psychological theory is this. If you hold the formal theory there are actions which are right or wrong independently of any legislation. If you hold the psychological theory then there are no right and wrong actions independent of the words of the authorities. In other words, if there is no civil authority then Hägerström is logically committed to say that there are no right and wrong actions. For, on this theory it is only the words expressed in commands which make actions right and wrong. Hence the importance attached to words by the Swedes. The important thing is to offer guidance to the authorities. The formal theory does this by supplying information as to right and wrong conduct. The psychological theory does this by supplying motivation in terms of words to make the authorities apply the formal theory in its unadulterated form. This fits with the fact that Hägerström holds that "the law is undeniably a condition of culture itself. Without it, as the Sophist Protagoras already saw, we should never have been able to win the lordship over other species".³⁶⁾

This is perhaps a rather significant reference to Protagoras. He was, to use Ernest Barker's description, "an apostle of the State, who preached the sanctity of its law and the equality of its members".³⁷⁾ According to Barker, there is

36) Hägerström, INLM p. 262.

37) Ernest Barker, *Greek Political Theory*, London 1918. (Reprint 1970) p. 73. - Cp. Popper, *The Open Society and its Enemies*, vol. I, p.66.

for Protagoras no antithesis between nature and law. Similarly for Hägerström, there is no dualism between facts and values. Law is fact, a link in a causal chain. And it is logically impossible to criticize law from a moral point of view, since morality is metaphysics according to Hägerström's epistemology. Besides, if law in the sense of norms is reduced to law in the sense of regularities between facts then moral criticism becomes absurd. You do not blame the law of gravitation, that would be absurd. The Scandinavian realists invite us to believe that it is just as absurd to criticize the criminal law. - The latter view is absurd.

Protagoras is no preacher of individualism, nor is Hägerström who repudiates individual rights and obligations as appearances. Hägerström is far more interested in upholding a system of compulsion from the standpoint of the conscious exercise of social hygiene. The guidance offered is neutral, since it is only concerned with facts. This is also Olivecrona's approach. It seems to me that Olivecrona fails to see that Hägerström has two theories of law. Olivecrona writes, "the significance of legislating is not that the draft acquires a "binding force" by being promulgated as a law".³⁸⁾ Thus, Olivecrona rejects the formal theory of law. Olivecrona continues, "the relevant point is that the provisions of the draft are made psychologically effective. And this result is attained through a certain form which has a grip over the mind of the people. The form, therefore, is the essential thing in legislation". Thus, Olivecrona endorses the psychological theory, which I hope to have made clear is contrasted by Hägerström with his formal theory.

To be sure, Hägerström does not clearly present the two theories as distinct theories. In this respect the objection surely is that he has not adhered to his own claim "to attain a real world of scientific concepts which must be internally coherent. For the reality, with which science is concerned, cannot be described by means of judgements which contradict each other", cf. above Section 2, p. 360.

38) Olivecrona, *Law as Fact*, p. 60.

Hägerström has not entered this world. This is manifest from his own article "Är gällande rätt uttryck av vilja?" translated into English by C.D. Broad as "Is Positive Law an Expression of Will?"³⁹⁾ To translate Hägerström's Swedish into English is by no means an easy task, and Broad has done an excellent job. As Olivecrona says, "the result is a translation that actually reads more easily than the original text".⁴⁰⁾ This is true, but it is also a bit tricky. To illustrate this, Hägerström uses the term "gällande rätt" which Broad sometimes translates as "positive law". The latter phrase is also used to translate Hägerström's term "positive rätten". In other places Hägerström's phrase "gällande rätt" is translated as "the validity of law" and "the statutes in force".

To be sure, Broad's translation does make sense, and I am not disputing the translation. It only shows that Hägerström uses his phrase "gällande rätt" ambiguously.⁴¹⁾ There is a difference between "the validity of law" and "the statutes in force". A legal rule may be valid, but not in force, i.e. enforced. Conversely, that a rule is in force does not necessarily imply that it is a valid legal rule.

Another example is Hägerström's term "kraft" which Broad translates sometimes as "force" sometimes as "authority" and sometimes as "power". Now the relationship between authority, power and force is a disputed question within political philosophy. The sense of "power", for example, covers a wide range of relations between actor and subject

39) Hägerström, INLM Ch. II, p. 17 ff.

40) Olivecrona, in Hägerström INLM p. X.- Olivecrona once said to me that Broad, however, had made one error. This is at p. 165 at the bottom which runs "the feeling of duty has been *amplified* through the consciousness of a norm". The word "amplified" is not adequate and should be substituted with "formed" or "determined".

41) Cp. Alf Ross, Validity and the Conflict between Legal Positivism and Natural Law, in Revista Juridica de Buenos Aires IV, 1961, p. 46 ff. at p. 84 ff. Ross says that Hart misunderstands him, and this is "caused by the linguistic fact that the word "valid" in English can hardly be used in the same way as the Danish "gældende". - It can, and the translation of "on Law and Justice" of key phrases rendered differently shows that it is Ross' way of thinking which is confused.

and may include that of authority as well as that of force. Yet one may have authority and no force, and conversely one may use force without having any authority. Again the ambiguity in Hägerström's presentation is not disclosed for an English reader unfamiliar with the Swedish original.

But I agree with Olivecrona's judgement, Broad's translation is excellent and reads more easily than the original text.

Hägerström claims that the reality with which science is concerned cannot be described by means of judgements which contradict each other. This claim, I suggest, presents Hägerström with a difficulty since he holds two theories of law, the formal theory and the psychological theory. These theories need not, however, be in conflict. The formal theory is a non-empirical theory concerned with the conditions which must be fulfilled in order that a rule is a legal rule. The reality which corresponds to law "is in fact the system of legal rules which is the result of following the prevalent rules for interpretation and supplementation in regard to actual law". There is no reference to the existence of "a social communal will" as the *principle* for interpreting and supplementing actual law".⁴²⁾

The psychological theory is an empirical theory. This theory is concerned with the influence of legal rules upon people's behaviour. It is a causal theory which claims that one set of events, viz. the promulgation of legal rules, and another set of events, viz. that persons act in certain ways, are links in a causal chain. The psychological theory presupposes that there are legal rules, whereas the formal theory is concerned with the question how to bring rules about as legal rules. The test for the psychological theory is experience, i.e. whether the behaviour occurs as a "factor in the system of nature".⁴³⁾ The test for the formal theory is whether a rule is a legal rule, i.e. "a factor in the established legal system, which it becomes through

42) Hägerström, INLM p. 103.

43) Hägerström, INLM p. 116.

being formally promulgated".⁴⁴⁾ And "a law can cease to be in force through formal abrogation". But then Hägerström conflates or abandons his formal theory when he writes, "it should be noted (PT:) that even law (in the modern sense) becomes actually *binding only* through the interpretation which gets itself *accepted*. Only this interpretation is irresistibly *in force*. But (FT:) it cannot for that reason be denied that the *law itself* in its abstract character, is also *positive law*, provided that it *actually binds* the authorities who are empowered to apply it to particular cases by means of interpretation."⁴⁵⁾

In this passage Hägerström moves from the psychological theory (PT) to the formal theory (FT).

As for the psychological theory the question is: "when does a legal rule become binding?" Hägerström's answer is: "through the interpretation which gets itself accepted". This is a tautology if "binding" is equivalent to "accepted" or "actually binds" which is the criterion according to the psychological theory. Law then becomes accepted only through the interpretation which gets itself accepted. Clearly then the law is "irresistibly in force". According to the psychological theory no empirical investigation is needed to establish this, since it is a tautology.

The psychological theory fits with Hägerström's statement

"(PT) that it is *quite fair to say* that statutory law first becomes *positive law* in so far as judicial dictum takes account of it *if the criterion* for a law becoming "positive" is that rules are *actually applied* in the relationship of real life. (FT:) But it does not in the least follow that the state, in the person of the judge, gives its sanction anew to the application of a given law through the judge's taking account of it. For the judge is not free in this matter. On account of the force of the constitution and of his oath as a judge he is obliged to regard the law as his guide in performing his office."⁴⁶⁾

The first part of this passage is related to the psychological theory. And the issue is precisely what the criterion is. To be sure, Hägerström is quite right if the criterion or test for whether or not a rule is a legal rule is

44) Hägerström, INLM p. 38, for the following quotation p. 355.

45) Hägerström, INLM p. 69 (my italics and insertions of PT and FT).

46) Hägerström, INLM p. 61 (my italics and insertions of PT and FT).

whether the rule is actually applied in the relationships of real life. This is, however, a matter for empirical investigation, not a matter which can be settled by sitting and thinking at one's desk as Hägerström invites us to believe. Besides there is an ambiguity in the criterion offered by Hägerström, since the actual application can be related to the judge's activity in passing sentences on the one hand and the actual infliction of the judgement upon the defendant in the form of being put into jail or actually paying damages in civil cases on the other. The law may be "irresistibly in force" in the former situation, but not in the latter. Hägerström fails to make clear whether the criterion applies also to the second situation which necessarily includes the first one. But the first one does not necessarily imply the second one. People being sentenced may have no money or leave the country before being taken into custody. As an empirical theory Hägerström's theory is false.

The psychological theory takes for granted that there are legal rules and that we also know how to identify them. This is precisely the issue. The question is whether the criterion for x to be identified as legal rule is

- a) the fact that x has been duly promulgated by the relevant authority; this is categorical validity, or
- b) the fact that x has been duly promulgated by the relevant authority and x has been actually applied to persons in the relevant state-of-affairs within the scope of x. This is categorical validity and application.

According to Hägerström's formal theory only (a) is the relevant criterion, cf. above p. 370. If (b) now is offered as well within the formal theory, then Hägerström contradicts himself. The conclusion is that he has not attained his aim of presenting a coherent system of concepts.

Of course, it may be that the criterion (b) is offered only as a criterion within the psychological theory. But then Hägerström's theory fails for the reasons mentioned above p. 375 f.

I proceed to discuss Hägerström's phrase, in the passage cited above "provided that it (i.e. the law) actually binds

the authorities". This raises the question of the binding force of law, and its relation to sanctions. Considering this question, I think it is essential to notice that the question is ambiguous. The question "what is the binding force of law?" has but one question mark, but it is not on that account only one question, for at least four questions are raised. These questions are

1. The binding force of law with respect to its directive force, viz. the moral question: granted that x is a valid legal rule, have I an obligation to obey x?
2. The binding force of law with respect to the directive force of the criteria for a rule to be a legal rule, viz. the jurisprudential question: how are rules to be identified as legal rules? This is the question of categorical validity. It implies the question of the sanction of law in the sense of promulgation or confirmation of x as a valid legal rule.
3. The binding force of law with respect to the coercive force of legal rules, viz. the jurisprudential question: is there a sanction attached to a legal rule? The word "sanction" is here used in a different sense from the sense mentioned above under 2. "Sanction" may also mean "the penalty" or other forms of specific enforcements enacted in order to enforce obedience to a valid legal rule in sense 2. The question may be put: granted that x has been promulgated in due form as a legal rule, is it the case that there is also a penalty or damages enacted as a method to enforce legal rules?
4. The binding force of law with respect to empirical questions whether law is as a matter of fact executed, viz. the question whether the sanction, in the sense of penal or civil remedy is as a matter of fact enforced by the authorities, and the further question whether the person as a matter of fact is put in jail or pays the damages as the case may be. This is the question of categorical application.

Hägerström conflates these distinct questions. This is seen if we return to Hägerström's claim "that the law itself, in its abstract character, is also positive law provided that it actually binds the authorities who are empowered to apply it to particular cases by means of interpretation", cf. above p. 376.

This claim is based upon the view that the judge "is

obliged to regard the law as his guide" on account of the force of the constitution and his oath as a judge? The question then is whether Hägerström's claim is concerned with the questions 1 to 4 listed above. In this respect he says, "there is no juridical rule which predetermined the validity of the constitution itself. Again what is the rule of law which authorizes the judge in a particular case to apply customary law, the spirit of the law, etc., *praeter* or *contra legem*? No such rule can be discovered. These applications take place in consequence of general extralegal factors, such as feeling of justice or quite possibly a scientifically mistaken theory that the will of the state in this case demanded the use of such sources of law. In just the same way does the constitution derive its strength from such factors, and genuine rules of law arise. Every attempt to construct an ought for the judge in relation to this or that source of law is doomed to failure. The duty of judges as a class to judge in accordance with the law ... "cannot be based by judicial theory upon the law; it must rather be based by ethics on the oath", by which the judge has bound himself. We need not consider whether the latter constitutes a scientific foundation."⁴⁷⁾

On the one hand Hägerström holds that the judge is obliged on account of his oath, on the other hand we are told that we need not consider the oath, since it cannot constitute a scientific foundation. Does Hägerström contradict himself? Not necessarily if he keeps the formal theory and the psychological theory apart. It seems to me, however, that he does not keep these theories apart, and I hope that my extensive quotations have shown this.

If we ask the moral question: "Is the judge obliged to obey the law?" Hägerström says that no juridical rule can be discovered. This is true. But perhaps Hägerström has looked in the wrong direction. It does not fit with the claim cited above p. 369. Hägerström's argument is that since he cannot find any, nobody else can either, so the question is a pseudo-question. Surely this does not follow. It does, indeed, follow if we accept Hägerström's doctrine according to which whatever is referred to must exist as an object in space and time. There is no need to accept Hägerström's doc-

47) Hägerström, INLM p. 50. The quoted passage is Hägerström's and refers to Gustav Radbruch, *Grundzüge der Rechtsphilosophie*, Leipzig 1914. - Cf. p. 95 for a similar argument.

trine, so the question remains. And the converse also holds. From the fact that Hägerström knows something it does follow that what he knows is a necessary truth. To be sure, if Hägerström knows something, then it is true. This is a truism. The untruth is that if Hägerström knows something, then what is known is a necessary truth. If considered as a legal question about the judge's legal duty, Hägerström also contradicts himself.

If we consider the legal question concerning the sanction of law in the sense of promulgation, Hägerström holds that no juridical rule can be discovered. To this the relevant objection is the one I have just made concerning the moral question. Besides Hägerström then does contradict himself, since he actually holds that it is possible to discover such rules.⁴⁸⁾ It is the case that it is possible to indicate "the 'primacy' of law" in relation to the state in the sense of "a system of laws actually enforced". This has, Hägerström says, "nothing to do with natural law for here the only question is to indicate what actually is present in what we *call* positive law". On what basis do we call rules legal rules? The answer is "actual enforcement". This is to confound the formal theory with the psychological theory. It is tantamount to Right being Might.

I submit that Hägerström confuses sanction in the sense of promulgation with sanction in the sense of penalty.⁴⁹⁾ In the passage cited above p. 376 he mentions that the state, in the person of the judge, gives it "sanction anew". Now, "sanction" I have argued may mean one of two things, either promulgation or penalty. Sanction in the former sense is Hegel's notion of the objective aspect of a law. To quote: "in a completely organized state, it is only a question of the culminating point of formal decision (and a natural bulwark against passion). It is wrong therefore to demand objective qualities in a monarch; he has only to say 'yes' and dot the 'i', because the throne should be such that the significant thing in its holder is not his particular make-up."⁵⁰⁾

48) Hägerström, INLM p. 54 (my italics).

49) Cf. also Hägerström, INLM p. 95, and Rätten och Staten p. 206.

50) Hegel, Philosophy of Right § 280, Add. p. 288-9.

This is precisely Hägerström's view if he sticks to his formal theory. A law can only come into force by promulgation and cease to be in force only through formal abrogation. If a genuine legal order exists, Hägerström says, then even if the legislator is "himself an autocrat ... the social mechanism is so constructed that it functions immediately in accordance with certain actions on his part in due form".⁵¹⁾ Now, sanction in the sense of promulgation need not involve sanction in the sense of penalty. By contrast sanction in the sense of penalty involves also sanction in the sense of promulgation. This is endorsed by Hägerström, who writes, "the promulgation of the law means no more than that certain propositions have been published in a certain way as issuing from the so-called legislative authority for the consideration of the general public. *No real exercise of power takes place*".⁵²⁾ I take it that the italicized sentence refers to actual application of the legal rules. In the sense of promulgation "the law itself exists as an item in the legal order, when certain formal actions connected with a declaration have taken place in due constitutional manner". This is a clear statement of the formal theory.

Duty is related to sanctions in both senses, but Hägerström explicitly defines duty in relation to coercive reactions. Promulgation alone does not involve, for Hägerström, a real exercise of power. The rules must actually be applied by the judges. This precisely turns "a genuine legal order" into "nothing but a social machine in which the cogs are men". This is in the end Hägerström's scientific point of view. It is a clear statement that Hägerström either abandons the formal theory as a piece of metaphysics with no basis in reality. Or else, which is more probable, that he identifies the two theories. For Hägerström the answer to the legal question: "is there a sanction in the sense of penalty attached to a legal rule?" is affirmative. He then links the affirmative answer to a similar affirmative answer

51) Hägerström, INLM p. 355, p. 354, and p. 348.

52) Hägerström, INLM p. 37 (my italics).

to the empirical question concerning enforcement of rules. Legal rules are, Hägerström claims, "*in general* applied and irresistibly carried out as a matter of fact in a human society".⁵³⁾ This is Hägerström's psychological theory. If the theory is an empirical theory, then it is false, since as a matter of fact general rules are not "irresistibly carried out". It leaves open whether the theory is put forward as a conceptual theory. If this is the case, the question is whether rules, which are not applied "in general" are to be considered as legal rules? Hägerström's answer is negative. This is false again, since there is no contradiction involved in saying that this is a legal rule but it is not in general applied. An ineffectual law is still a law. So Hägerström's theory fails in this respect as well.

I conclude that Hägerström has two theories of law, the formal theory and the psychological theory, which he sometimes keeps apart, but in the end reduces to one theory, viz. the psychological theory. - A further conclusion is that Hägerström has not achieved his aim to see clearly what the object of jurisprudence is. Hägerström then does not present "a true picture of the law itself".⁵⁴⁾ The phrase is Olivecrona's and is meant to refer to Hägerström's theory. I turn the phrase, with respect, against his master. A major weakness in Hägerström's picture of the law itself is precisely that it does not present the law itself. Hägerström's picture diverts the attention from the law itself towards a system of emotional responses, caused by using words. It is, in short, to confuse an exposition and criticism of the law with psychology based upon a dubious theory of meaning which Hägerström never tried to present in a fully elaborated theory using coherent scientific concepts.

I do not regard this as a promising way to settle jurisprudential questions. Rather, I consider Kelsen's way more promising, and to this I now turn.

53) Hägerström, INLM p. 348 (his italics).

54) Olivecrona, Law as Fact, p. 11.

4. Kelsen and Hägerström

It has been claimed that Alf Ross is the first continental jurist to discover the significance of Kelsen.⁵⁵⁾ This is not true. Already in 1925 the Swedish writer Fredrik Lagerroth applies Kelsen's theory, as stated in "Hauptprobleme der Staatsrechtslehre" of 1911, in an account of Swedish constitutional law.⁵⁶⁾ And Hägerström, in his paper "Är gällande rätt uttryck av vilja?" of 1916, and in his book "Till frågan om den gällande rättens begrepp" of 1917, refers to and criticizes Kelsen's theory.⁵⁷⁾ In fact, many of Hägerström's arguments against the will-theory are quite similar to arguments used by Kelsen in his Hauptprobleme to a quite similar effect.

Kelsen is, in his Hauptprobleme, concerned with German jurists who speak of law as being the will of the state. Kelsen adopts this term and endeavours to penetrate beneath it to the reality. Language exercises a tyranny over thinking, and thinking is struggling against it, and not in vain. The upshot of Kelsen's investigation is that the term "will" in law cannot mean the same thing as the psychological will. Psychology is irrelevant for jurisprudence, and the term "will" is therefore to be understood as a juristic construct and not as a real thing in the external world. This is precisely the mistake committed by German theorists who apply the term in a psychological sense and hence look for a body which does the willing, a real personality in society as the source of norms, rights and duties. This is a mistake. It is wrong to identify the concepts of "norm" and "imperative". And to say that an individual has a duty says nothing about his state of mind. It is rather to say that there is a legal norm, and behaviour opposed to this norm is laid

55) Julius Stone, *Legal System and Lawyers' Reasonings*, London 1964, p. 99 note 12.

56) Fredrik Lagerroth, *Psykologisk Verklighet och Juridisk Fiktion vid Tillämpningen av Sveriges Grundlag* (Psychological Reality and Juridical Fiction in the Application of Swedish Constitutional Law), in *Lunds Universitets Årsskrift*, N.F. Avd. 1, Bd. 20, No. 6, Lund & Leipzig 1925.

57) Cf. Hägerström, *INLM* p. 19 f., p. 51 f.; p. 119, 234, 238.

down as a condition of the application of coercion by the proper authority which itself, in turn, comes into existence in virtue of norms. The law, in short, regulates its own creation, application and execution, based upon the basic norm which states that the constitution ought to be obeyed.

Kelsen's argument is then that the concept of will in a jurisprudential sense is the proper basis for approaching the problems of norms, duties and obedience. Governance of people is effective whenever its institutions are strong, and corrupt whenever the legal norms fail to function properly, i.e. when norms are no longer obeyed and applied by the authorities.

This is one approach to establishing and maintaining a free and happy civic life. Another approach is, by contrast, to suggest that if the men who control the institutions of government are corrupt, the institutions created by law to shape and constrain them cannot be expected to be effective. So the promotion of a healthy and uncorrupt form of social life depends rather upon developing the energy and public spirit of the civil servants in particular and the people as a whole in general. In order to be sure of upholding the value of peace what needs to be fostered is not so much the structure of effective institutions and legal norms, but rather a sense of duty and respect on the part of the individual.⁵⁸⁾

I suggest that one difference between Kelsen and Hägerström is that Kelsen is an exponent of the first approach, whereas Hägerström rather is a representative of the latter, which I hope to be able to show in the following sections.

Hägerström has shown great interest in Kelsen's theory of law, and there is a certain similarity between Hägerström's theory of law in the formal version and Kelsen's theory of law. The latter is discussed by Hägerström in a lengthy review, published in German in 1928 in a rather ob-

58) Cf. Skinner, *The Foundations of Modern Political Thought*, vol. 1, p. 44 f. As an exponent of the first approach he mentions Hume, of the second Machiavelli and Montesquieu.

scure Swedish journal.⁵⁹⁾ This may explain why it has by and large been neglected except among the Swedes Lundstedt and Olivecrona. Lundstedt dismisses Kelsen's theory as "pure fantasy", as has been shown "briefly and irrefutably by Hägerström".⁶⁰⁾ For Olivecrona Kelsen's theory is "the great mystery", which it is not worthwhile to explore.⁶¹⁾ My aim in this section is to show that Hägerström has not refuted Kelsen's theory.

Alf Ross' book "Theorie der Rechtsquellen" appeared in the Series Wiener Staats- und Rechtswissenschaftliche Studien, published by Kelsen, and Ross dedicated his book "mit Dankbarkeit" to Kelsen. Ross' book was severely reviewed by Hägerström.⁶²⁾ This review, I think, turned Ross away from Kelsen to follow Hägerström. Yet Ross treats Kelsen with respect.

Hägerström shares this attitude. Hägerström does not dismiss Kelsen as a purveyor of nonsense. On the contrary, Hägerström says that "Kelsen's theory ... is very well worthy of attention".⁶³⁾ Perhaps Lundstedt should have listened to this piece of advice, i.e. reading Kelsen rather than depreciating him as a "dilettante", who has failed to take any part in "thorough and comprehensive discussions of social and sociological questions" as Lundstedt has on the basis of the scientific point of view of his master Hägerström. But then Lundstedt fails to realize that the master has two theories of law. The formal theory of law according to which the essence of law is reason, i.e. law has authoritative character as announcements of actual duties, and the essence of duty is to submit oneself to the law. And the psychological theory of law according to which the essence of law is will, i.e. law is an expression of the interests of the socially predominant class, and the essence of duty is nothing but the natural feeling of duty that one ought to

59) "Litteris", vol. 5, 1928, reprinted INLM p. 257 ff.

60) Lundstedt, Legal Thinking Revised, p. 406 - and see p. 405 for Lundstedt's decrying of Kelsen's intelligence.

61) Olivecrona, Law as Fact, p. 21.

62) Hägerström, Till Frågan om Begreppet Gällande Rätt, Tidsskrift for Rettsvitenskap, vol. 44, 1931, p. 48-91.

63) Hägerström, INLM p. 297.

observe the law, i.e. what the authorities say by means of empty words. It is only by confounding these theories that Lundstedt manages to speak of legal rules at all.

I have suggested that there are similarities and differences between the views of Hägerström and Kelsen. The similarities are that they are both preoccupied with methodological problems of a science of law. Kelsen's campaign aims at purifying legal science from foreign elements, and establishing a pure theory of law. This is quite similar to the campaign of Husserl and Frege for a pure logic as against foreign elements such as psychologism. Hägerström wants to purify thinking from the foreign elements of feeling and volition, as I have tried to show, above Chapter III, Section 7.

Both Kelsen and Hägerström are in search of a method whereby the intellect can penetrate through the mist of metaphysics to the structure of the real world. For both to know an object means the same thing as to recognize it as an item in a unified whole. And the basic principle of all cognition is the law of contradiction.⁶⁴⁾

I have suggested that Hägerström's formal theory is close to Kelsen's theory. Perhaps Hägerström is influenced rather by Boström than by Kelsen. Lagerroth has shown many similarities between Boström and Kelsen. This fact perhaps explains Hägerström's reaction against Kelsen's theory. Hägerström's philosophy in general is a reaction against Boström's philosophy which is a version of rational idealism according to which nothing but minds and their perceptions exist.⁶⁵⁾ For Boström reality is a system of ideas. Ideas are equivalent to persons, so reality is a system of persons, forming a hierarchy of persons. In this hierarchy the perfect idea (i.e. God) is that which includes all other ideas. Any idea is included in the perfect idea, and any idea includes all ideas that rank lower within the hierarchy.

64) For Kelsen's conception of knowledge see my paper Hans Kelsen's Theory of Law and Philosophy of Justice, presented at the 8th Annual Conference of the UK Association for Legal and Social Philosophy, Edinburgh 1981.

65) See my Skandinavisk Realismus, Ch. II, for a short summary.

Thus, to mention an example, society is included in the perfect or absolute idea, but also in the state, which in turn includes the family and the individual. The task for the individual is to understand himself as idea or person which involves understanding of other persons striving towards the absolute idea or God.

Hägerström reacts against Boström's philosophy which he condemns as metaphysics. This may explain Hägerström's reaction against Kelsen's theory. This is a biographical remark. What is more important is the epistemological difference between Hägerström and Kelsen. As I see it the difference is that Hägerström, like Freud, applies thinking as a method to penetrate the irrational forces of the human soul, viz. volitions and feelings.⁶⁶⁾ Kelsen, by contrast, applies thinking to apprehend in a rational way the manifold materials of law. The difference can also be put in this way. Hägerström regards legal ideas as the outcome or expression of certain interests. His interest is to unravel the conditions which produce such ideas. Thus, he claims that his psychological theory is the proper key to understanding law.

Kelsen accepts this but thinks that this is a matter for sociological or psychological research. Kelsen's interest is rather in legal ideas as norms, as an independent intellectual construction to be judged in terms of its consistency and clarity. This is akin to Hägerström's formal theory. The similarity between Kelsen and Hägerström is that both offer a general theory. Kelsen's theory of law is a general theory of law stating a general scheme for the criterion of validity of any legal system. Hägerström's theory of law is rather a general psychological theory stating various conditions which must operate in order to maintain the legal system.

The difference between Kelsen and Hägerström is that

66) Cf. Hägerström, INLM p. 350 referring to instinct and his distinction between an ideal ego and an empirical ego, p. 148, cf. p. 129, 131, 181.

Kelsen explicitly claims that cognition is creative, whereas Hägerström denies that this is the case. It is a clash between the views of knowledge in terms of maker's knowledge and knowledge in terms of finder's knowledge, cf. above Chapter III, Section 7, p. 209. It is worth noticing, I think, that Kelsen's scientific or jurisprudential aim is to construct a conceptual model for the legal universe. He is interested in an elucidation of fundamental legal concepts just as Ernst Mach is interested in an analysis of fundamental scientific concepts.⁶⁷⁾ Mach's aim is to take away "the magic from things", to present scientific knowledge as based upon connection between experience, and to present the results in an economically proper way. Science merely describes, it does not explain, sensations. Mach dedicated his "Science of Mechanics" to Karl Pearson. Kelsen refers to Mach as well as Pearson in his book, *Hauptprobleme der Staatsrechtslehre*.⁶⁸⁾ As motto Kelsen refers to Pearson's distinction between the civil and the scientific law. And Kelsen explicitly refers to Mach's formula: science is not concerned with "why" but it is solely concerned with "how". This is rather interesting because it suggests that Kelsen's background is the empiricist foundation of Mach and Pearson, as against the received opinion of his being influenced directly by Kant.

Like Mach and Pearson, Kelsen denies that legal science explains. Legal science describes, in statements using the concept of ought in a descriptive sense, the norms in which the concept of ought is used in a prescriptive sense. It is not the business of legal science to offer causal explanations of the origin of rules, and how they function in society. This is not to say that such inquiries are unimportant. They are, indeed, important, but the method used, the causal method, differs from the method of imputation used in legal science. Like Pearson and Mach, Kelsen favours the unity of science which depends upon method, not subject-matter. The important thing for Kelsen is that there is not

67) Cf. Passmore, *A Hundred Years of Philosophy* p. 320 f.

68) Kelsen, *Hauptprobleme der Staatsrechtslehre*, p. 3, cf. p. 353.

just one method, the causal method, used in science dealing with nature, but also another method of imputation used in science dealing with norms. And then Kelsen, like Pearson, uncompromisingly denies that religion or metaphysics provides us with scientific knowledge. There are only two ways of arriving at genuine knowledge, the methods just mentioned. If we employ these methods we are bound to arrive at the same conclusions. It is quite otherwise concerning a discussion of values, where different systems compete. The jurist, qua jurist, cannot take sides in this conflict. That is not to say that norms cannot be criticized from a moral point of view. They can, but this is distinct from giving a description of the normative meaning of legal norms.

Hägerström is opposed to metaphysics. But he is also opposed to Mach's approach which Hägerström condemns as metaphysics. The aim of science is to penetrate to things, not to remain within the area of one's own sensations. This is idealism. Kelsen's view implies that mind can only know its own ideas. Since ideas are mental it leads to the view that the real is mental. It is not, Hägerström claims. It is material. Hägerström holds the realistic view that the mind does not create ideas of facts for itself nor does it create the connections between facts. Everything that the mind can apprehend, objects as well as relations, exists already in the world independently of the mind whose function it is to describe and explain objects and relations as they are.

If this is so, theories are rather forced upon us. This raises immediately the question how error is possible. Hägerström's answer to this is to refer to the influence of feelings and volitions upon thinking.⁶⁹⁾ Hence the importance of the psychological theory. Hägerström is also interested in taking away the magic, but he uses the causal method. Hägerström's analysis is based upon reasoning from known effects to looking for possible causes of norms, rights and duties. It is a manifest fact that we have ideas of rights

69) This presupposes that feelings and volitions are active rather than passive. Hägerström denies this. His theory is then incoherent, cf. above Chapter III, section 5, especially p. 149 f.

and obligations. It is also manifest for Hägerström that foreign elements are attached to these ideas. These ideas must then be purified to achieve a system of internally coherent concepts of the empirically given reality. This is Hägerström's formal theory, which is not kept distinct from the psychological theory. The reason why is Hägerström's theory of knowledge and meaning. We have direct and true knowledge of the independent and actual reality. We find objects and their characteristics divided by nature into real and objectively delimited classes. This is expressed in judgements using concepts. Everything we know about the thing gold is embodied in the concept of gold, that it is yellow, does not rust, has great malleability, is highly valuable, etc. Each of these facts constitutes part of our concept of gold, of which the word "gold" functions as a name. Similarly for the genuine concept of law. We have to look for the psychological facts covered by the concepts, of which the word "law" in a proper sense is the name.

This approach suggests that the task of inquiry is to look for a real world of fixed and coherent concepts, i.e. concepts stating all the characteristics there are to be known about objects in the spatio-temporal world. This approach then makes all judgements analytical judgements. This is Hägerström's conception of science built upon the criterion of the law of contradiction as the only criterion of meaning and truth.

Now Kelsen's approach and Hägerström's approach are quite compatible, as far as I can see. It is to maintain a distinction between an analytical inquiry and an empirical inquiry into law. The analytical inquiry is based upon the law of contradiction as the only relevant criterion of meaning and truth. The empirical inquiry must be supplemented by another criterion - or criteria - for testing the truth of judgements, which I shall not try to develop. The important thing is only that different statements have different criteria of truth.

Kelsen is quite explicit in this respect. Hägerström, by contrast, obliterates this distinction by merging his

formal theory and psychological theory. There can be but one inquiry into law. This inquiry is based upon Hägerström's epistemology and his method of essentialism. If there is knowledge then there is only one independent reality of objects related to each other in a systematically connected order besides which no other is conceivable.

There can be only one correct definition of law stating its essence, viz. the actual state of affairs of fixed rules for the exercise of coercion which is irresistibly upheld as a matter of fact by the authorities.

Kelsen thinks that another concept of law is conceivable, viz. that there are fixed norms for the exercise of coercion which ought to be carried out by the authorities according to norms. This raises the problem for Hägerström how to decide between his definition and Kelsen's. Hägerström's answer is based upon the method of essentialism and the appeal to his epistemology. This is unerringly and indubitably true. Hence it follows that Kelsen's theory is not a case of knowledge, but of opinion, cf. above Chapter IV, Section 8, p. 283. This is Hägerström's epistemological objection which I shall consider in the next section.

Hägerström has also another objection. This is based upon legal considerations. According to Hägerström, if a jurist follows Kelsen's theory, then he is committed to "primitive superstition and medieval scholasticism" or "primitive positivism".⁷⁰⁾ Primitive positivism claims that only positive law is valid and eliminates considerations based upon "an axiom given in the consciousness of justice". Primitive positivism is against "sound reason". It follows that a jurist should not follow Kelsen's theory. I shall consider this objection in Section 6 in connection with Hägerström's discussion of the concept of duty.

5. Hägerström's Epistemological Objection to Kelsen's Theory

Hägerström is full of praise of Kelsen. He recommends jurists to study thoroughly Kelsen's "Allgemeine Staatsrechts-

70) Hägerström, INLM p. 271, 272, 274, 278, 298.

lehre" of 1925 "to jurists who wish to attain to real clearness about their own presuppositions".⁷¹⁾ On the basis of "positivism" Kelsen seeks to "introduce truth and order by shedding all traces of natural law".

Kelsen's merit is to attack the will-theory, since the validity and permanence of law cannot be established on the basis of the always contingent will of certain persons. Kelsen's attack on the prevailing theory of Felix Somlo which is based on "the Austinian power-theory" is excellent. Kelsen's acute criticism of this theory displays this theory in "its falsification of reality and its unsound confusion of legal and moral rights".

Turning to the demerit of Kelsen's approach Hägerström says that Kelsen

"makes no incorrect statements about social facts, but one finds also that he avoids all risk of doing so because he does not allow jurisprudence to have anything to do with actual social existence! A legal prescript is, in fact, for him a judgment concerning a supernatural existent, which nevertheless (at least in so far as his view is carried out consistently) must be completely realized in the world of nature."⁷²⁾

What Hägerström is saying is revealing. His criticism shows that he has totally misunderstood Kelsen's theory. Kelsen's aim is to distinguish between what is pure or a priori and what is empirical or a posteriori in jurisprudence. The pure theory, according to Kelsen, consists of a construction of a system of concepts which recommends itself to working jurists. In this sense it is independent of the natural order, but it does not follow that it is irrelevant for understanding social facts. If Hägerström has misunderstood other authors in a similar way, then his criticism of these authors is similarly misplaced. The result is that Hägerström moves round in his own make-believe world. It is quite wrong that Kelsen does not allow jurisprudence to have anything to do with actual social existence. Kelsen is adamant that there is room for empirical research into legal phenomena.

71) Hägerström, INLM p. 297, cf. p. 259 and p. 261 for the following quotations.

72) Hägerström, INLM p. 267.

He also insists, quite rightly in my opinion, that this research cannot be carried out without a conception of law, by means of which it is possible to distinguish between legal behaviour and non-legal behaviour. To establish this conception is a task for jurisprudence. There is also room for a science which deals with human conduct, not as it is as a matter of fact, but as it ought to be according to legal rules. This is legal science as distinct from jurisprudence. Jurisprudence, in Kelsen's version, is a general theory of law. Legal science, by contrast, applies jurisprudence and is concerned with the norms for a given society. This science also presupposes that it is possible to make a distinction between legal rules of conduct and non-legal rules of conduct, e.g. moral rules, rules of etiquette, and other social norms. Again it is the task of jurisprudence to establish a criterion to make this possible. Hägerström simply overlooks that there is a distinction between science and philosophy of science, between legal science and jurisprudence as a general theory of law. The first of each pair is a branch of applied philosophy. The second of each pair is a branch of pure philosophy. The person who applies philosophy uses philosophical techniques in the course of an inquiry, whose questions are non-philosophical, i.e. scientific or legal questions as the case may be.

The pure philosopher, like Kelsen, studies the nature of the questions and answers, methods and arguments, concepts and propositions which are used by himself as well as by the specialized scientists and jurists writing textbooks or lawyers engaged in other juridical activities, e.g. judging and pleading, including the legal activities of ordinary people. The pure philosopher is engaged in explaining how to verify a scientific statement or how to establish the validity of law. Kelsen's aim is to construct a system of concepts to deal with legal questions as a necessity of reason. But this is a quite different matter from knowing that a statement is verified or falsified or a legal rule is valid or invalid.

Legal science and jurisprudence are mutually indepen-

dent activities, but it does not follow that they are mutually irrelevant, as Hägerström's criticism implies. Jurisprudence is concerned with the crucial question how to identify a rule as being a legal rule. To answer this question involves the ability to pick out legal rules and describe them alone as legal and also involves the ability to use the word "legal" properly in general statements, questions and so on. Jurisprudence is, then, concerned with the explication of a scheme of classification for rules as legal rules and the principles or criteria determining this classificatory scheme. I do not wish to enter into an elaborate discussion of this problem. What I wish to point out is only that Hägerström's own theory, i.e. the formal theory, fails in this respect. The crucial objection to Hägerström's theory is that it provides no proper method for classifying rules as legal rules as distinct from non-legal rules.

Hägerström's formal theory is concerned with a classification which depends upon the ideas in one's mind. His inquiry is aimed at an exposition of that conception of law which really covers the facts which legal theorists have in mind in their attempts at conceptual construction, cf. above Section 2, p. 360. The objection is that "inner accompaniments - whether physiological, imaginative, or what you will - are not constitutive of meaning".⁷³⁾

For Hägerström having a concept, involves conceiving something as real, "i.e. as belonging to the context of reality whose elements are concrete and perceptible".⁷⁴⁾ This cognitive relation between the conceiving subject and perceptible objects involves an apprehension of the properties which characterize an object and make it what it is. Thus, Hägerström believes that concepts are found. Hence his objection to Kelsen's theory of law for implying that "the whole of the usual view of state functions is stood on its head".⁷⁵⁾

This objection is misplaced and it involves Hägerström

73) Bennett, Locke, Berkeley, Hume, p. 7.

74) Hägerström, INLM p. 143.

75) Hägerström, INLM p. 289, but see p. 38.

in a flagrant self-contradiction, to use one of his own favourite phrases, since Hägerström applies Kelsen's theory in his discussion of the meaning of the phrase "the state builds railways". And Hägerström's theory of concepts being found, not made, is totally wrong.

To quote Peter Geach, we can say,

"something that goes for all concepts without exception: Having a concept never means being able to recognize some feature we have found in direct experience; the mind *makes* concepts, and this concept-formation and the subsequent use of the concepts formed never is a mere recognition or finding; but this does not in the least prevent us from applying concepts in our sense-experience and knowing sometimes that we apply them rightly. In all cases it is a matter of fitting a concept to my experience, not of picking out the feature I am interested in from among other features given simultaneously."⁷⁶⁾

Hägerström does succumb to this temptation which is shown in his discussion of the idea of duty. To this idea there must "correspond a certain property which answers to the name of 'duty'". Since Hägerström is unable to find anything he concludes that

"what is thought of here is merely an unrepresentable something which is connected with the expression 'duty', 'obligation', and etc., and which cannot be distinguished except by reference to just that expression".

This leaves Hägerström with the mystery of identifying actions as obligatory actions, since we only have the word "duty" but no referent. His answer is that an obligatory action:

"is conceived as real only as having that essentially imperceptible quality which is 'duty'. It exists in the world of 'duty', not in 'our' world. If it also belongs to the context of sensible reality, i.e., if it actually happens, this has nothing to do with its reality as a duty. This implies that the same action, which exists as a term in an imperceptible reality, viz., the world of duty, exists also as a term in the perceptible world."⁷⁷⁾

This is a rather interesting remark, since Hägerström takes Kelsen to task for misunderstanding "the plain meaning of the positive legal rules". Kelsen regards a legal

76) Peter Geach, *Mental Acts*, London 1957, p. 40.

77) Hägerström, *INLM* p. 143, cf. p. 278, and 291 f. for the following quotations.

prescript as

"imposing an obligation in a different sense from that in which the prescript itself does so. The civil and penal laws, according to their own meaning, impose obligations in such a way that they establish certain rights (rights in the proper sense of the word as general legal interests) with powers of coercion attached to them."

This is mysterious, since Hägerström holds that the words "duty" and "right" are just words; now they suddenly have "a proper meaning". This is Hägerström's use of his formal theory. I shall return to it in the next section. What is interesting is that Hägerström operates with two realms of existence. There is the perceptible realm of behaviour and action, which has nothing to do with the reality of duty. And there is the imperceptible realm of duty, which has nothing to do with actual behaviour. Yet Hägerström somehow manages to combine these two realms, as shown in the last passage in the quotation cited above: "the same action which exists in the imperceptible reality exists also in the perceptible world". So if Hägerström is capable of combining the realm of duty with our world, why is it then that Kelsen is damned for doing the same? Hägerström's main criticism against Kelsen is precisely that it is impossible. I quote: (SP) "It is an absurd idea. (1) The supernatural juridical system cannot be thought of as even existing alongside of the natural order. For no knowledge of any reality is possible except through relating its object to a systematically interconnected whole. But the supernatural and the natural system, as being different in kind, cannot be co-ordinated in a single system. Therefore, so far as I contemplate the one, the other does not exist for me. (2) But, if the jurist as such must abstract from the natural order, it is to be feared that the legal prescripts he sets forth will be far too empty. He cannot, e.g., talk of legal transactions as juridical facts for that becomes altogether meaningless, if one may not assume any natural causal nexus. (3) Again, he cannot speak intelligibly of punishment, since a 'punishment' which led to no consequences by way of natural causal connexions could not be called a punishment. (4) He must simply be left gasping for the air!"⁷⁸⁾

This passage presents Hägerström's main criticism of Kelsen, and leaves the reader gasping for the air. I suggest that it involves at least three different lines of criticism.

78) Hägerström, INLM p. 267 (my brackets).

The starting point (SP) is that Kelsen's ideas are absurd, the conclusion (C) is that Kelsen is left gasping for the air. This gives one line of criticism, viz. the epistemological objection put forward under 1. It gives a second line of criticism, viz. the objection concerning abstraction, put forward under 2. It gives a third line of criticism, viz. the proper definition of punishment, put forward under 3.

In this section I shall concentrate on the first line of criticism, leaving the objection against abstraction for consideration in the next section, and the problem of the proper definition of punishment for consideration in Section 7.

Hägerström's epistemological objection is based upon his theory of knowledge, viz. that there is only one reality, reality itself. This is based upon the distinction between the natural order and the supernatural order. The natural order is concerned with social facts, i.e. actual social existence in terms of natural causal connections between things and processes according to descriptive laws. The supernatural order, by contrast, differs in kind from the natural order, since it is concerned with juridical facts, i.e. ideal existence in terms of legal connections between norms of rights and duties which must be realized in the natural order.

Hägerström's argument is that there is only one realm of being, viz. the natural order. This natural order comprises the totality of things and processes to be found and explained by using one principle of explanation, viz. the method of causal explanation.

Kelsen's view, by contrast, is that there is one method of explanation, viz. the causal method. But this method cannot be used within the realm of norms. Within this realm another method must be used, viz. the method which Kelsen calls the method of imputation.

The case between Hägerström and Kelsen raises philosophical questions concerning monism and pluralism,⁷⁹⁾ I do not have the capacity to solve these questions. I shall,

79) I am indebted to the account given by A.M. Quinton in the *Encyclopaedia Britannica*, 14th ed., vol. 18, New York 1973, p. 66 f.

however, try to clarify the questions. Monism is a philosophical doctrine which gives answers to two distinct questions. The first question is how many things are there in the world? This may be called the question of substance. The second question is how many kinds of things are there? This may be called the question of attributes. The answer offered by monism is that there is only one thing or substance, and only one kind of substance. Hägerström is a monist in both senses. That is to say, he is a monist of substance, and a monist of attributes. He claims that the world as a whole is the only true thing, and further that this world is material in nature. The rival theory is dualism or pluralism. This theory states that there is not one thing but many things, and there are many kinds of things in the world. If the two questions are kept distinct, this gives four combinations.

One can be a monist in both senses, that is there is only one substance and only one kind of substance, which Hägerström, like Hegel, holds. They differ, of course, in their conception of substance. For Hegel it is spirit, for Hägerström it is matter. One can be a dualist in both senses, that is there are at least two different substances and at least two different kinds of substances. Descartes is a dualist in both senses. Kelsen may be a dualist in both senses, since he makes a distinction between the realm of is and the realm of ought. There is next the possibility that there is only one thing, viz. the world as a whole, but within this world there are at least two different kinds of things, viz. the mental and the physical. Thus, it is possible to be a monist in the first sense (substantial monism), but a dualist in respect of the kinds of substance there are (attributive dualism). Spinoza may be mentioned as an example. There is, finally, the possibility that there are many things in the world (substantial pluralism), but they are all of the same kind (attributive monism). Examples are Bertrand Russell and Leibniz.

I suggest that Kelsen can be classified as a monist of substance. There is but one world, but within this world there is the realm of ought and the realm of is, hence he

holds a position of attributive dualism. Thus, Kelsen's position is that he is a substantival monist, and an attributive dualist. Hägerström's position is that he is a substantival monist and an attributive monist as well. The importance of this is that Hägerström's argument against Kelsen is based upon the assumption that there can be only one thing, viz. the world as a whole, and only one *kind* of thing, viz. the realm of is. In other words one must be a monist in both senses. He overlooks that there is the possibility that Kelsen may be a monist in the first sense, i.e. a substantival monist but an attributive dualist.

Hägerström's argument is based upon his ontology, viz. his materialism which commits him to the view that mental phenomena are to be identified with physical or bodily movements. This excludes the possibility that bodily movements can be brought about by a non-physical soul. It excludes the possibility that bodily movements can be directed or redirected by the soul. This is precisely what Hägerström assumes in his discussion of rights and duties as magical forces. This is inconsistent. Strictly speaking it is inconsistent for Hägerström to talk of "the intention of the legislator".

Hägerström's argument against Kelsen is also based upon his epistemology, i.e. the view that there is only one fundamental type of knowledge. Kelsen's view is based upon the view that there are at least two types of knowledge, viz. empirical knowledge in terms of causes and normative knowledge in terms of reasons. This is a much disputed question which I do not wish to engage in. I only wish to point out that Hägerström's argument against Kelsen is directed against Kelsen being a dualist. This may also explain why Hägerström does not make a clear distinction between the formal theory and the psychological theory. His attack against Kelsen is based upon the view that they are rival theories, which is not necessarily the case. This is Kelsen's position. Hence the importance of the distinction between being an attributive monist like Hägerström and an attributive dualist like Kelsen. This is the issue. The issue for Hägerström is that Kelsen is a substantival dualist, which he is not if I am

right. He is, like Hägerström, a substantival monist, so Hägerström's attack is a misfire.

It fails, since Hägerström overlooks that the question: "How many things are there?" is different from the question: "How many kinds of things are there?" Hägerström's quest for the unity of things leads him to a monistic answer to the first question: "There is only one world". It also leads him to a monistic answer to the second question: "Everything existent is material".

Kelsen's quest for unity leads him to a monistic answer to the first question: "There is only one world". As for the second question it leads him to the dualism between the causal order of nature and the order of norms established by human imputation. We must explain the facts of the universe by referring to two independent and coexistent principles of thought. Knowledge of social and natural facts in terms of experience is based upon the causal principle, but knowledge of legal facts or knowledge of moral facts in terms of reason is based upon the principle of imputation.

Kelsen's merit is to have recognized the dualism between social facts and norms. The making of a law is a social fact belonging to the realm of *is*. The norm which is issued is a legal fact belonging to the realm of *ought*, but related to the realm of *is*, since it refers to human actions. Kelsen's view that an *ought* can only be derived from another *ought* leads him to the view that law is brought about by a presupposed basic norm.

Hägerström finds that this is an absurd idea that law creates its own existence.⁸⁰⁾ This criticism is based upon his belief in determinism, and his belief that the only proper method for obtaining knowledge is the causal method. This is seen in his criticism of Kelsen's theory about the making of legal norms. Hägerström says, "the legal prescript which is given through a certain procedure must itself be valid if it is to be able to make another procedure legally relevant and that *therefore* the whole notion of correlation is *contradictory*".⁸¹⁾

80) Hägerström, INLM p. 265, p. 275.

81) Hägerström, INLM p. 279-280 (my italics), cf. p. 265 for the next quotation.

Hägerström's argument is based upon the unstated assumption that the cause must possess at least as much reality as the effect. The cause of Hägerström's idea of the world as a systematically interconnected whole is therefore the world as a systematically ordered whole. Hägerström's assumption is not true, so his argument fails. But he uses the argument to criticize Kelsen.

The argument runs then that my idea of the validity of a legal prescript is therefore a "validity in itself". This "validity in itself" is ideal, i.e. it refers to an ought. It follows then that if a legal will (is) brings it about that a pronouncement (is) is a valid legal prescript (ought) then the nature of a legal will (is) is a valid legal prescript (ought). This is, I take it, Hägerström's criticism of "the all-pervasive confusion of is and ought".⁸²⁾ But surely, the rejoinder is that Kelsen is not guilty of that confusion, since the basic norm provides the foundation for the correlation of one norm with another norm. Hägerström's objection is that the notion of correlation is self-contradictory, cf. above p. 400. This is again to use the causal argument. In the realm of is, everything has a cause. In the realm of ought, every norm is correlated with another norm. If this is so then every norm must be correlated to another norm, and so on, until we reach the basic norm. The basic norm is the origin of norms. Therefore, the basic norm exists, since there are norms.

Hägerström then raises the question if every norm is correlated to another norm, then the basic norm must be correlated to another norm. But Kelsen does not admit this. The basic norm is the end of norms. If the basic norm is not correlated to another norm, then it is not true that every norm is correlated to another norm. Yet Kelsen's argument is based upon the premise that every norm is correlated to another norm. This is self-contradictory: the conclusion says that the basic norm is not correlated to any norm. This contradicts the premise which says that every norm is cor-

82) Hägerström, INLM p. 277.

related to another norm. If the premise is true, the conclusion cannot be true as well. And if the conclusion is true, the premise cannot be true. The way out for Kelsen is to say that every norm, except the basic norm, is correlated to another norm. But to this the rejoinder is the story of the Indian philosopher and his elephant, cf. above Chapter III, Section 4, p. 120 f. I think that this is the ground for Hägerström's dismissal of Kelsen's concept of the basic norm. In this connection it is worth noticing Hägerström's objection to the view put forward by Walter Jellinek.⁸³⁾

According to Jellinek there is a supreme rule of law which gives to all legal systems their validity. This supreme rule of law says "If there is in a human corporative entity a supreme holder of power, that which he ordains must be followed".⁸⁴⁾ Hägerström's comment is "this proposition, which, according to Jellinek himself, is a "necessity of thought" and therefore not a prescript, obviously belongs to natural law and it certainly cannot be said to be of much value". In this respect Hägerström has been proved to be wrong.

Clearly, there is a problem here, which Hägerström just dismisses. Hägerström's argument proceeds along with Hume "If we stop, and go no farther, why go so far? Why not stop at the material world?".⁸⁵⁾ Hägerström stops at the material world. His inquiry leads him into an investigation of the ideas which uphold a legal system, rather than leading to analytic inquiry into the logical structure of the legal system. The formal theory gives way to the psychological theory. What Hägerström then fails to notice is that there are two distinct inquiries, the analytical inquiry and the

83) Hägerström, INLM p. 49 with reference.

84) This is close to Kelsen's notion of the basic norm, which Kelsen also acknowledges himself. Cf. Kelsen, *Das Problem der Souveränität und die Theorie des Völkerrechts. Beitrag zu einer Reinen Rechtslehre*, Tübingen 1920, p. 98. It is often overlooked (I did it myself in my paper on Kelsen) that it is Jellinek who introduced the concept, referring again to Hobbes' "dictate of reason" concerning the right of dominion and ruling, *De Cive* II, 1, cf. I, 14. It would be interesting to read Kelsen in the light of Hobbes.

85) Hume, *Dialogues concerning Natural Religion*, Part IV, quoted from John Hospers, *An Introduction to Philosophical Analysis*, 2nd ed., London 1967, p. 431.

empirical investigation.

Kelsen is attacked on the basis of the psychological theory, that is to say that he fails to deliver an empirical account. Hägerström's criticism is misplaced, for Kelsen must be attacked on his own ground, that is by offering a rival analytical construction. This construction is not produced by Hägerström. Whereas Kelsen's theory makes room for a distinction between norms and facts, Hägerström's theory reduces norms to facts. Hägerström turns his back on the mysterious world of the legal ought in favour of the tangible world of objects in space and time, failing to realize that a coherent set of normative concepts is needed to secure the individual against his fellows as well as the governing authorities, in the struggle for existence and freedom. In the end of the day, the dispute between Kelsen and Hägerström is not only a dispute within epistemology, it is also a dispute between Kelsen upholding individualism and Hägerström upholding collectivism. For Kelsen the primary thing is the individual, for Hägerström it is society.

6. Hägerström's Moral Objection to Kelsen's Theory

In addition to the epistemological objection to Kelsen's theory Hägerström has another objection to Kelsen's theory. This objection is Hägerström's objection concerning Kelsen's abstraction from the natural order of behaviour mentioned above p. 397. The danger of abstraction is, Hägerström says, that "we find that it is directly asserted in several places that the jurist from his point of view (i.e. Kelsen) necessarily denies that one should act morally".⁸⁶⁾

Hägerström's objection against abstraction is twofold. Partly the objection is that if Kelsen abstracts from the natural order, then the result is that legal prescripts become far too empty for regulating men's conduct. Partly the objection is that if Kelsen abstracts legal duty from moral duty, then the result is that men should not act morally.

For Hägerström these objections are interrelated, or

86) Hägerström, INLM p. 268.

so I shall claim. This is the reason for Hägerström's attack on the will-theory of law. Hägerström's objection against Kelsen's view is based upon the rule of *modus tollens*; men should act morally according to legal prescripts which determine not merely the general nature but also the particular detail of his actions, hence Kelsen's theory must be rejected. The argument is valid, but is it sound, viz. are Hägerström's premises true?

In this section I shall try to present and elucidate Hägerström's premises.

Hägerström's aim is to make law intelligible. Voluntarist theories interpret legal rules in terms of a commanding will. If this is a correct interpretation then law becomes something which is created, changeable and arbitrary. This is Hägerström's understanding of the voluntarist theories. Quite generally he states that it is "pure despotism and mob-rule", which serves as a model for law.⁸⁷⁾ For Hägerström "where pure despotism or mob-rule exists one may question whether there really is any legal order".

Thus, there is a distinction to be drawn between "the existence of a legal community" and the existence of pure despotism or mob-rule. There is a distinction between "the notion of an objective rule concerning rights and duties, a rule which the judge must apply if he is to make genuine legal decisions and not merely to exercise tyrannical force".⁸⁸⁾ What is the basis for this distinction? Hägerström's answer is that the existence of a legal community is characterized by the fact that "fixed rules for the exercise of coercion are maintained and the arbitrariness which belongs to terrorism is excluded". I take it then that men act morally if they act from fixed rules for the exercise of coercion.

The objection is that this description of the existence of a legal community fits, I think, with Hobbes' description of the civil order created by "that great Leviathan, or rather (to speake more reverently) of that Mortall God, to

87) Hägerström, INLM p. 34 f., and p. 351 for the following quotations.

88) Hägerström, INLM p. 63.

which we owe under the Immortall God, our peace and defence".⁸⁹⁾ And for Hobbes it is manifest "that Law in generall, is not Counsell, but command, ... of the Sovereign (as) the sole legislator".

Hägerström shares Hobbes' basic aim of peace and defence. But he does not share Hobbes' view that law is the will of the sovereign. This is pure despotism, since the sovereign can use words as he pleases, thus creating what is right or wrong. This is appalling to Hägerström. Nor does he share Hobbes' view that it is an "Errour of Aristotles Politiques, that in a wel ordered Common-wealth, not Men should govern, but the Laws".⁹⁰⁾

If my understanding of Hägerström is correct, he rather shares what Ernest Barker calls "the two fundamental and interconnected principles of Aristotle - the sovereignty of the law, and the education of the citizens into conformity with the law".⁹¹⁾

Law is for Hägerström the cohesive force and the sovereignty of the state. It is the law which determines the state, Hägerström contends.⁹²⁾ A genuine legal order is characterized by the fact that the sovereign, pace Hobbes, and pace John Austin, is bound by legal rules. These rules are "logically prior to the particular constitutional enactments, which determine ... who are the rightful holders of power".⁹³⁾ This is to stress the sovereignty of law.

Aristotle's conception of law is that law has compulsive power, while it is at the same time a rule proceeding from impersonal moral prudence and understanding.⁹⁴⁾ Thus, law involves a rational principle. I suggest that Hägerström shares this conception, when he sticks to his formal theory of law. According to Hägerström's formal theory of law "law is a system of declarations as to what the state-authority has decided *shall* happen. From the practical point of

89) Hobbes, Leviathan, Part II, Ch. 17, p. 227, Ch. 26, p. 312 f.

90) Hobbes, Leviathan, Part IV, Ch. 46, p. 699.

91) Barker, Greek Political Theory, p. 43.

92) Hägerström, Rätten och Staten, p. 241.

93) Hägerström, INLM p. 33, and p. 35.

94) Aristotle, Nicomachean Ethics, Book X, Ch. 9, p. 272.

view it does not matter whether rules of law present themselves as *imperatives* or as such declarations of will".⁹⁵⁾

This is a crucial passage. A distinction is made between imperatives as commands of reason as opposed to imperatives as commands of will. For Hägerström rules of law are imperatives of reason. Hence legal rules involve a rational principle, i.e. they are independent of will and they are independent of values or feelings. They involve the rational principle of duty. This duty is based upon the view that there are right and wrong actions in "the absolute system of norms" holding for the members of the society.⁹⁶⁾

If my reading of Hägerström is right then he holds that legal rules are commands of reason, i.e. judgements which are meant to hold universally, i.e. it "involves the sense of duty that the only thing relevant is to know which way of action is in accordance with the system of conduct which "ought" to be carried out". That is to say, "from the standpoint of rightness which is concerned with the consciousness of duty ... I always hold that the same action would be right for another person with the same individual peculiarities placed in the same situation". He further holds that "the judge is always under an obligation to express in his decision the objective law itself".⁹⁸⁾ As for the objective law itself, I refer to Section 3.

What matters in this connection is Hägerström's claim that "it belongs to the nature of society or of the individual to obey positive law".⁹⁹⁾ The importance of this view is that if it is reason which brings it about that x is a legal rule, then reason is the content of the legal rule. This implies in turn that the will-theory can be refuted. Hägerström's argument is

"If law is regarded as will, a legal ought must be a demand. And then a command is conceived as directed, not to a human will, but to a mere state of affairs in the abstract; which is non-sensical."¹⁰⁰⁾

95) Hägerström, INLM p. 206 (my italics).

96) Hägerström, INLM p. 198, cf. p. 116.

97) Hägerström, INLM p. 157, and p. 145.

98) Hägerström, INLM p. 90.

99) Hägerström, INLM p. 54.

100) Hägerström, INLM p. 230.

This is the objection to Kelsen's view of abstracting legal norms from the natural order resulting in empty legal norms. This is, I take it, why Hägerström says that it is non-sensical to go along with the will-theory. The proper view is, needless to say, Hägerström's view. The will-theory "distorts the notion of demand to such an extent that it loses all contact with what common-sense understands by it, and indeed loses all meaning, so that nothing but the word remains".¹⁰¹⁾

What then is to be understood by demand according to common-sense? I wish to say at once that when Hägerström invokes "common-sense" as support for his own statements it is safe to be on one's guard. Why is this so? It is so, if I may divert for a moment, because the structure of Hägerström's argument is to reject the will-theory on the basis of common-sense or common consciousness. Then common consciousness is rejected in turn as more consistent than the will-theory, but wholly unrelated to reality.¹⁰²⁾ The argument is really amazing, since it presupposes that common consciousness is related to reality in the argument against the will-theory. This works successfully, the will-theory is rejected. The elevates common consciousness to be of supreme importance for determining reality which is against Hägerström's view that common consciousness is confused. So it is rejected as wholly unrelated to reality on the basis of Hägerström's own epistemology. It works, I suggest, alluding to Sir John Harrington, since "if it prospers, none dare call it treason". But it is treason or rather to kill reason itself, to use this method of argument.

To return to the meaning of demand Hägerström tells us that the notion of demand is in fact used in two senses. There is demand in the non-natural sense, and there is demand in the natural sense, or "the word's original meaning". The non-natural sense is the common-sense notion of the feeling of right in so far as it manifests itself in a

101) Hägerström, INLM p. 225. - I only notice in passing the rather revealing remark that "only the word remains", cf. for the idea of a moral norm as an expression of a command, Hägerström, INLM, p.164.

102) See for example Hägerström, INLM p. 286.

demand upon another person to respect one's own or another's right". The fundamental idea behind the notion of demand (non-natural sense) is that the ground for the obligation is the claimant's personality or, as Hägerström puts it, "one's autocratic rights".¹⁰³⁾

This fundamental idea is for Hägerström "a logical absurdity", since it belongs to another world than the physical world. It is, in fact, this "quite mysterious supernatural bond on the will of the party who is under the "obligation"; it is active will". Since there is no such thing as active will, the notion of demand (non-natural sense) or "obligation" (non-natural sense) is absurd.¹⁰⁴⁾

This being the case Hägerström has solved the problem concerning "the rightful holders of power", cf. above p. 405. It cannot be the individuals, as is the case in Hobbes' common-wealth. It is, Hägerström says, "profound nonsense to say that members of Parliament represent the people's authority to make laws. The people itself has, after all, no such authority at all."¹⁰⁵⁾ So Hägerström dismisses Kelsen's exposition of natural rights. Kelsen has "indeed given no thorough analysis of natural rights. He ascribes to them the meaning that a certain sphere of natural freedom may not be infringed by positive law".¹⁶⁰⁾ This is, indeed, an important aspect of the theory of natural right.¹⁰⁷⁾

It is discussed by Hägerström because Kelsen "ascribes rights the meaning" which is not in accordance with "the proper meaning" as Hägerström sees it. As for the "rightful holders of power" they are determined by law, Hägerström says. There is no need to worry, since Hägerström assures

103) Hägerström, INLM p. 314 - and p. 325 for the following quotation.

104) I wish only to draw attention to the fact that this involves Hägerström in the difficulty of explaining how the supernatural realm of feelings can interact with the natural physical realm. It is "a great mystery", cf. Hägerström, INLM p. 268.

105) Hägerström, Rätten och Staten, p. 153 (my translation), cf. INLM p. 355.

106) Hägerström, INLM p. 291, cf. p. 260.

107) I refer to Richard Tuck, *Natural Rights Theories*, Cambridge 1979 and John Finnis, *Natural Law and Natural Rights*, Oxford 1980. I suggest that Hägerström's dismissal is wrong, but I shall not develop this point.

us that "no legislator can ignore the good of society".¹⁰⁸⁾ Perhaps what Hägerström has in mind in this respect is Plato's view that "what it is that the good lawgiver distributes ... is food and labour".¹⁰⁹⁾ This fits anyway Hägerström's claim that the only correct concept of right is "the advantages which the individual is granted through the system of rules".¹¹⁰⁾ This is Bentham's view that to have a right is to be the beneficiary of another's duty.¹¹¹⁾ This brings me to Hägerström's view of the concept of demand (natural sense).

However, before presenting Hägerström's view, just one short remark concerning "the determination of the rightful holders of power". The law which Hägerström thinks of in this respect is law in the sense of descriptive law, viz. the law that the strongest shall rule. This is "the only logically possible view".¹¹²⁾ I state it, but do not intend to try to refute it by offering a lengthy argument. It is only to be noticed that this is what Hägerström has in mind, when he contrasts "a genuine legal order" and "pure despotism".

Now to return to the concept of demand in the proper sense. In this case we must look for the "original meaning" of the word, cf. above p. 407. We have an example of Hägerström's method of essentialism. The original meaning of a demand consists in putting forward a legal claim. In this case, I take it, we are then in the physical world, the individual referred to has no active will, but only a passive

108) Hägerström, INLM p. 362.

109) Plato, *Minos* (Loeb Classical Library, vol. VIII) London 1955, p. 421. It is the short answer to the question: "What is law as a whole?".

110) Hägerström, PR p. 316 - cf. INLM p. 251: "the *thought of the rights* of the community and also *the idea of the rights* of private individuals" (my italics). The distinction is between thinking and volition. The former is reality, the latter appearances.

111) For a discussion of Bentham's view I refer to the books mentioned above note 107, and references given there.

112) Cf. Hägerström, PR p. 298 f. - cf. the view of Thrasymachus, Plato, *The Republic*, Ch. III (I 336 B - 347 E) p. 14 ff. - It may be noticed that Olivecrona in 1939 published a book "England eller Tyskland" (Great Britain or Germany), in which he sided with Germany. This book is, strangely enough, not mentioned in the bibliography attached to the *Festskrift tillägnad Karl Olivecrona*, 1964. - Lundstedt and Ross, by contrast, sided with Great Britain.

will. He is bound to obey, since Hägerström thinks that the physical world is a coercive world. Hence we have Hägerström saying that "an action which is in accordance with duty in the ordinary sense [is] "behaviour which avoids coercion"". ¹¹³⁾

How does one avoid coercion? How does one avoid getting hurt by fire? The reasonable answer to the latter question is by not getting in touch with fire, cp. Hägerström's experience with fire, above Chapter I, Section 3, p. 4. Hägerström's answer to the former question is by not getting in touch with the authorities, viz. by respecting the law. Why is this so? Hägerström's answer is that "we are concerned with a demand which it is right to respect because respect itself is as such the right action". ¹¹⁴⁾ Thus Hägerström makes it an analytical truth that to say that x is a legal rule means the same thing as x is worthy of respect.

If an individual says that some action prescribed in a legal rule is not worthy of respect, then he contradicts himself; he is saying that an action is the right one and it is not the right one. I fail to see that this can be held to be analytically true. There is no contradiction involved in saying this action is prescribed in a legal rule, but the legal rule is not worthy of respect. Since this is a legitimate question, Hägerström's theory must be rejected.

Hägerström's argument is that law has "an inherent inner value". ¹¹⁵⁾ The inherent value of a genuine legal order is uniformity, i.e. that there are fixed rules for the exercise of coercion. By contrast, a non-genuine legal order has no inherent value, since there are no fixed rules for the exercise of coercion. I have a duty to submit myself to a genuine legal order, but no duty to submit myself to a non-genuine legal order. Hägerström refers to a German author who claims that duty "consists in the fact that an action is commanded by a social power which exercises a social-psychological pressure through the consequences that follow on omission". ¹¹⁶⁾

113) Hägerström, INLM p. 271.

114) Hägerström, INLM p. 173.

115) Hägerström, INLM p. 197.

116) Hägerström, INLM p. 209.

Hägerström correctly says, "In that case it is a duty to ... submit to a brutal power in a community, e.g. a tyrannical pack of thieves". And then the revealing objection is put forward "but what has "duty" in this sense to do with what we mean by duty?". If we mean by "duty" what Hägerström says we mean, the answer is: everything since Hägerström defines "duty" to mean "avoid coercion". At least if we follow Hägerström's psychological theory. This is clearly not what Hägerström has in mind by putting his question. This is meant rhetorically. The answer is: nothing. The reason why is that what Hägerström means by "duty" is "the right action".

The formal theory presents the answer to this question by exemplification of what kinds of actions are right, e.g. obeying the law, and wrong, e.g. stealing! Since the formal theory is based upon thinking, it is neutral, or so Hägerström claims.

It is only a matter of persuading people to accept the commands of reason. The legislator is here important Hägerström says,

"A commanding power, even if be infinite, is not respected merely as such. It is respected only if it appears as entitled to command, i.e. able, by indicating its wishes, to determine duties for others and thereby to present the respect-inspiring norm itself."

The point of Hägerström's formal theory is precisely to represent law as binding because of its rational nature and impersonal origin. There is, however, a problem concerning motivation. Thus, the psychological theory is needed as well in order to make law accepted. The law as impersonal commands cannot be an object of hatred but only worthy of respect. To introduce the concept of a commanding power is to introduce the danger of hatred, since personal commands are objects of hatred. As I see it Hägerström combines the formal theory and the psychological theory in order to ensure obedience without using force. Although law is a command it is an independent command. As *independent* command it is worthy of respect, as independent *command* it is binding.

If I am right, then Hägerström is committed to a will-theory according to which commands are expression of wishes

of the commanding power. This does not fit with Hägerström's own analysis of the concept of command.¹¹⁷⁾ I do not wish to pursue this any further. I do think that Hägerström contradicts himself, or at any rate he does not express his theory in a coherent way.

Hägerström, like Hobbes, is invariably opposed to anything which tends to make men "see double", and which makes them commit the mistake of confusing an actual legal imperative (as a command of reason) stating a "genuine ought" with "the merely apparent duty which consists in being the object of a command in the sense of being an object of the state-will's regulations".¹¹⁸⁾ The "genuine ought" or demand in Hägerström's natural sense is the duty of submitting oneself to those regulations. When confronted with a will which issues a command, Hägerström says that the primary question always is: "Is it right to obey?".¹¹⁹⁾ On Hägerström's theory this question is excluded, since the essence of law is that it is not a command of will.

Hägerström's formal theory presupposes that law is found not made. What is made is arbitrary. What is found cannot be altered. Hence the need for education to tune "the feeling that it is natural to observe the existing legal rules".¹²⁰⁾

Hägerström is rather sceptical that social harmony requires representation to adjust and harmonize conflicting interests. It should be noticed, Hägerström says, that "legislation under modern conditions is often the expression of a compromise between opposed ideas of justice, and therefore lacks any single line of thought".¹²¹⁾ This is precisely what matters. In epistemology there is a single line of thought expressed in Hägerström's theory of knowledge. What matters is to have a single line of thought behind the le-

117) See Hägerström, INLM p. 119.

118) Hobbes, *Leviathan*, Part III, Ch. 39, p. 498, Hägerström, INLM p. 215, and p. 244.

119) Hägerström, INLM p. 144.

120) Hägerström, INLM p. 39, cf. Aristotle, *Nicomachean Ethics*, Book X, 9, p. 273, "children start with a natural affection and disposition to obey".

121) Hägerström, INLM p. 76.

gal rules. This single line is presented by Hägerström's formal theory. The objective is to persuade people to obey the rules. The psychological theory takes care of this. What matters is to develop this attitude by "compulsory courses on the social harmfulness of certain actions".¹²²⁾ This has implications for the formulation of legal rules. According to Hägerström's formal theory law is brought about by reason, not by will. This being the case law is characterized by two elements, viz. the element of objectivity and the element of concreteness. The element of objectivity is that law is something objective and incorruptible when administered by authorities conscious of the fact that law owes its authority, not to personal will but to impersonal reason. Secondly, there is the element of concreteness. Law as a demand of reason determines not merely the general nature of the right action but also the particular details of how the right action is to be carried out.¹²³⁾

By contrast if law is conceived as a command it is essential that one is aware of the command, and that one understands the command. This is by no means true, if there is the proper positive moral disposition. In this case the rules operate "automatically".¹²⁴⁾

It is interesting to notice that Hägerström says, "A judge does not *as a rule consider* for a moment whether he actually shall follow the existing law". The sentence is ambiguous. Does Hägerström mean that a judge does not regularly consider whether he shall follow the law, but sometimes he does? Or does he mean that there is a legal rule saying that the judge shall not consider whether he shall follow the law? The former question is an empirical question. Hägerström does not offer any evidence for his judgment. It may be true, it may be false. The latter question is a normative question, and a judge should, in my opinion, consider whether he shall follow the law or not. In this

122) Hägerström, INLM p. 176, cf. p. 352.

123) Cf. Hägerström, INLM p. 139 and p. 319.

124) Hägerström, INLM p. 355, cf. p. 352 for the next quotation (my italics).

respect Hägerström's judgement is false.

Secondly, commands are always general and abstract, i.e. they are addressed to a class of people, prescribing a course of action which can never comprehend all the details. This is for Hägerström the vice of "abstraction". It seems to me that it is rather a virtue. The more abstractly the rule is framed, the vaguer it will be, consequently the more freedom there also will be for individuals to choose the particular means of its fulfilment. Hägerström's argument against abstraction is at bottom an argument against freedom. It should not be accepted, I suggest.

For Hägerström the important problem is the problem of producing the moral disposition to obey the law. If my reading of Hägerström is correct, his theory of law is the formal theory according to which law is a dictate of reason. This raises the important question of motivation to follow the dictate of reason rather than the passions. It is necessary to persuade people to follow legal rules. Hence we have Hägerström's psychological theory. The formal theory presents what is right conduct, viz. the genuine legal order. The psychological theory presents the means to maintaining the legal order. If I am right in this, then Hägerström fails to keep these two theories distinct. For Hägerström it is inconceivable that a person has an obligation, recognizes that he has an obligation, and yet has no motivation to perform his obligation.¹²⁵⁾

To be sure, Hägerström says that "it is obvious that we sharply distinguish between duty and feeling of duty". How do I know what my duty is then? Hägerström's answer is that "if the rule of law is the authoritative expression of what is obligatory in such and such circumstances, one must use in interpreting that expression the presupposed direct intuition of duty, i.e. in effect one's own sense of justice".¹²⁶⁾

What does "one's own sense of justice" tell one?

125) Cf. Hägerström, INLM p. 122, p. 133.

126) Hägerström, INLM p. 204.

Hägerström's answer to this is that I ought to perform the action which will satisfy "myself in its true meaning" as an autonomous and moral being.¹²⁷⁾ My real self as an autonomous and moral being is then defined by reference to my sense of justice. Hägerström says "that I must choose that interpretation which can be regarded as ensuring that *real* justice shall be done".¹²⁸⁾ And "real justice" is equivalent to "what my sense of justice tells me". This is tantamount to identifying duty and feeling of duty. This leads Hägerström to claim: "it is difficult to imagine that anyone *ought* to act otherwise than in the way which he is convinced is right".¹²⁹⁾ Surely, it is true that whenever anyone acts in the way he is convinced is right, then he acts in the way he is convinced is right. This is a truism which does not tell anyone which acts he ought to perform. But it is an evident untruth that whenever anyone acts in the way he is convinced is right, then he acts in the way he *ought* to act. Hägerström does not notice this difference.¹³⁰⁾

It must be noticed, however, that Hägerström makes a distinction between one's "sense of justice" meaning

- a) man's feeling of justice, and
- b) man's consciousness of justice.¹³¹⁾

The former is a matter of feelings. The latter is "conscience in its theoretic aspect", i.e. "the idea which arises in particular cases, that a certain action is in accordance with the system of conduct which has the expression of a command as an objective property or, as we say, that it is in accord with the moral law".¹³²⁾

Conscience in this sense is a matter of reason, which

127) Hägerström, INLM p. 149.

128) Hägerström, INLM p. 204 (my italics).

129) Hägerström, INLM p. 53 (his italics), cf. p. 145 for a similar argument.

130) This is clear from his statement "that it is quite unintelligible that Adickes can nevertheless hold that a judge acts unjustly if he sets aside the statute-law under any circumstances, and therefore even if his doing so is determined by his conviction that justice demands it", INLM p. 53.

131) Hägerström, INLM p. 344.

132) Hägerström, INLM p. 157-158.

"is determinative of right action". The "right action" is equivalent to the "moral law". And the "moral law" is equivalent to "the genuine legal order", since it is the system of rules which has the command as an objective property, cf. above p. 412. As Hägerström says,

"The fact (is) that there exists a rule for determining what actions ought to be done in particular cases. By this rule one does not mean an ordinance of a will. ... The moral norm itself is for us an objective rule, even though the thought of a legislator is smuggled in in an unsystematic way."¹³³⁾

There can be no distinction between the legal duty to respect the law and the moral duty to respect the law. They coincide, since the law embodies the moral law. It seems to me that this is wrong, on conceptual grounds. There is no conceptual connection between obligation, in the sense of an undertaking, and duty, in the sense of the right action. I can say truly, and without contradiction, that I have an obligation, but it is not the right action to perform. I can say truly, and without contradiction, that I have an obligation to obey the law, but no duty to obey the law. It may happen that it is my duty to disregard an obligation, e.g. the obligation to obey the law. This is not Hägerström's view.

Hägerström's formal theory combined with the psychological theory leads to repressing "the dangerous question whether the conviction is true or not".¹³⁴⁾ "Why is this a dangerous question"? The answer is because it involves "an insoluble conflict of duties". This may very well be so, if Hägerström thinks of "duty" in the sense of an undertaking; which I shall call "obligation" to keep it distinct from "duty" in the sense of the right action. There can be a conflict of obligations, which is soluble. There cannot be a conflict

133) Hägerström, INLM p. 160-161 - and see p. 165: "*In principle* it is an expression of a *command* which confronts us in imagination in the consciousness of a norm" (my italics). If "command" means "demand of will", Hägerström is inconsistent; if "command" means "demand of reason", he is not; "in principle" refers only to Hägerström's curious theory of meaning, according to which I must have an image of a horse in my consciousness in order to think of a horse.

134) Hägerström, INLM p. 167, cf. p. 156.

of "duties" in the sense of *the* right action. This conflict is "insoluble" by definition, since there is but one and only one right action. It does not follow, however, that the "dangerous question" should be repressed, on the contrary it should be asked. And when asked it should be discussed by using reason, i.e. the ability to think and the exercising of our ability to think in good ways. I am perfectly aware that this raises large questions which I am not going to discuss. I only wish to say that Hägerström's theory fails in this respect. It fails because he does not allow that the question: "Is it right to obey the law?" is a legitimate question. I conclude that Hägerström's objections to Kelsen's theory should be rejected.

7. The Maintenance of the Genuine Legal Order

Hägerström's problem is: "How is it possible to understand law?". The key offered by the will-theory is that law can be understood by using the concept of will. In his paper from 1916 "Is Positive Law an Expression of Will", Hägerström has "tried to show that it is impossible to indicate *any will* such that rules of law could be held to be its commands or declarations".¹³⁵⁾ The short answer to this is that Hägerström then has failed, since he admits that "law is, at any rate to a large extent, an expression of interests, and this is true both of its foundations and of secondary rules. *Therefore* the question of the *intention* and the significance of a law is a *legitimate* one."

This is tantamount to saying that it is possible, after all, to identify a will. Hägerström continues to say, "the mistake consists in the fact that one thinks, in this connexion, of a *unitary will*".

Surely, Hägerström is right in this respect, but this is not what he is claiming in the first passage quoted above. So Hägerström has provided the refutation of his own theory. However, Hägerström thinks that the will-theory is equivalent to understanding the law on the basis of the model of despotism. Hägerström's model is, by contrast, that "the

135) Hägerström, INLM p. 250 (my italics), referring to the paper reprinted, INLM p. 16-55; next quotation from p. 41 (my italics again).

legal order is throughout nothing but a social machine, in which the cogs are men".¹³⁶⁾ So Hägerström invites us to use the model of a machine instead of will, in order to understand law.

It must be noticed, however, that Hägerström writes, "A machine comes into existence and is brought into action by a human will". So we still have the notion of will looming in the background. Not so if we follow Hägerström. He goes on to say

"But the investigation of the machine's structure and mode of operation is not, for that reason, an investigation of a certain human activity. It is concerned with a certain limited part of external nature, which works in a certain way in accordance with the laws of that nature."

This is also true. It is Kelsen's approach to separate the origin of law from its manifestation as a system of norms, i.e. provided that "laws of that nature" are understood in terms of norms. Hägerström assures us "that to determine the conditions of the origin of law of course settles nothing about its essential nature". Again Hägerström provides the rejection of his own method.

Having rejected, as a matter of course, that the origin of law settles nothing, he proceeds to investigate "those forces which maintain the constitution and which first make "statutes" into genuine rules of law". Surely, this is incoherent.

Hägerström's conscious effort is to proceed from "sounds to things" to use his own phrase. Clearly, a machine is a thing, so this may be the reason for Hägerström's use of the machine as equivalent to the legal order. Another element is, of course, that a machine is orderly structured and works automatically towards a predetermined end, viz. the delivery of objects. It does not create something new in the sense in which a poet creates something unexpected. The products of a machine are predetermined by the designer of the machine.

Hägerström's approach also suggests that he, like Hume, attempts to introduce the experimental method of reasoning

136) Hägerström, INLM p. 354, and p. 18 for the following quotation.

into legal subjects. It is full time to attempt a reformation in all legal disquisitions, and reject every system of law, however subtle and ingenious, which is not founded in fact and observation.¹³⁷⁾ This suggestion has to be rejected, I submit. Hägerström proceeds in a dogmatic manner, based upon the use of the method of essentialism.

In this section I wish to present Hägerström's view of a genuine legal order and its maintenance. Hägerström's theory is that the maintenance of law depends upon human instincts. He is a follower of the theory of what Popper calls "psychologism", i.e. the theory that society depends on the human nature of its members.¹³⁸⁾

As a follower of this theory Hägerström claims that moral judgements are expressions of emotion, moral norms are habits, and standards for norms are just different points of view. This leads to Hägerström's view that moral philosophy as a science is knowledge of actual moral valuations in their historical development, cf. above Chapter V, Section 2 p. 293. Turning to law it leads Hägerström to adopt what I have called the psychological theory. This leads to the view that legal judgements are expressions of interests, legal rules are habits, i.e. "the idea that when certain facts exist, a person will as a rule enjoy certain advantages as against a certain other person or persons".¹³⁹⁾

Standards or criteria for introducing and evaluating legal rules are based upon points of view. And it is impossible to show that one point of view is to be preferred to another. What can be shown is the sociological fact, viz. the actual existing legal rules explained in terms of habits. It is a gross misunderstanding to claim that the individual can evaluate legal rules in terms of moral standards. As Hägerström says, "It has now penetrated into the common con-

137) The allusion is to Hume, *Enquiries concerning Human Understanding*, Sec. XII, Part III, p. 165, and concerning the principles of *Morals*, Sec. I, p. 175.

138) Popper, *The Open Society and its Enemies*, vol. I, p. 84, cf. vol. II, p. 88 ff. for a criticism which applies to Hägerström's view of social instincts behind the law.

139) Hägerström, *INLM* p. 316-317.

sciousness that only *positive* law can serve as a basis for legal decisions, and that rational law (if such there be) is of importance only as an ideal for legislation".¹⁴⁰⁾ It is rather the other way round that positive law (i.e. "the rights of society or of a social class") provides the standard by which the individual must be judged.¹⁴¹⁾

The rights of society provide the standpoint of justice in terms of welfare. From this standpoint "there is no reason why punishment should not be inflicted on every injury to the common interests provided that it is accompanied by consciousness of the nature of the action". On this view of it "punishment is regulated not from the standpoint of revenge, but from that of the interests which determine the norm underlying the right of the community". This leads to the view of punishment as social hygiene. This view is opposed to the common-sense notion of justice which connects punishment with revenge and guilt.

Hägerström's objection to the common-sense notion of justice is that "revenge is of its very nature measureless".¹⁴²⁾ This leads to "bloodfeud", and the danger of upsetting the peace within society. This is a cultural danger which "demands a powerful legal order standing above the contending parties".

Hägerström's objection to the element of guilt as a necessary condition for the infliction of punishment is that the idea of guilt involves the idea "that the criminal should suffer for the satisfaction of the injured individual".¹⁴³⁾ Again we have the element of revenge.

Besides the idea of guilt depends upon "the notion of freedom, viz. the idea of will as cause". This idea is absurd, since there is no such thing as an active will. And the idea of revenge ignores "the thought of general harmfulness or anti-social disposition" of the criminal. The

140) Hägerström, INLM p. 298 (his italics) - cp. above Sec. 5, where Kelsen is criticized for holding this position.

141) Hägerström, INLM p. 184, cf. p. 235 and p. 183 for the following quotations.

142) Hägerström, INLM p. 182, and p. 181.

143) Hägerström, INLM p. 186, cf. p. 185.

ideas of revenge and guilt are superstitious ideas "at the lower levels of culture", which must be replaced by the "modern tendencies to regard the reactions of the state against so-called crime from the standpoint of the conscious exercise of social hygiene. Here the notions of justice which are concerned with the ideas of rights and duties do indeed lose all significance".¹⁴⁴⁾

Indeed they do. According to Hägerström this is a step forward to the "possibility of moral improvement" based upon the consciousness of the "social harmfulness of certain actions". I do not intend to discuss Hägerström's theory of punishment. His view has certainly been influential in Sweden and Denmark.¹⁴⁵⁾ What I wish to say is that Hägerström's theory cannot, if we follow his thesis of moral nihilism be criticized on moral grounds. If criticism is forthcoming nonetheless it can be dismissed as expressions of feelings in contrast to Hägerström's logical thinking, which by his own definition is devoid of values.

Secondly, there is the question of how actions are to be classified as socially wrong or illegal in contrast to socially right or legal. In this respect Hägerström's theory is that what is meant by the word illegality, if one takes account only of factual reality, is

"nothing else than the behaviour whether it be omission or positive action, which calls forth a certain coercive reaction in accordance with the rules for coercion which are in general applied and irresistibly carried out as a matter of fact in a human community. Legal duty (legality), in the same context, is nothing else than the behaviour with the opposite character."¹⁴⁶⁾

Thus, the word "duty" cannot be just a word without meaning. It is so, I take it, when the word is related to the supernatural world of moral qualities. It is not so, if we follow Hägerström and the word is related to a factual reality. Here the essential meaning of the word "duty" is "right action in accordance with rules which are in general

144) Hägerström, INLM p. 187, p. 176.

145) It leads to the view of punishment put forward in Great Britain by Lady Wootton of Abinger, see for a critical discussion and references to the literature, *The Philosophy of Punishment*, ed. H.B. Acton, London 1969, especially the paper by William Kneale.

146) Hägerström, INLM p. 348.

applied and irresistibly carried out". The consequence of Hägerström's view is then that to say that an action is right just means that it does not call forth a coercive reaction, and conversely to say that an action is wrong just means that it calls forth a coercive reaction. Hence, where there is a "genuine legal order", it is logically impossible to raise the question whether it is the fact that an action is wrong that causes a legislator to apply sanctions, or whether, conversely, it is the fact that an action is commanded by the legislator that causes the reaction. On Hägerström's view there are not two different facts, being subject to a reaction and being wrong, but just one single fact which may be put indifferently by saying either that there is a coercive reaction, or that the action is wrong. This commits Hägerström, logically speaking, to hold the view that if there are rules for coercion then there are sanctions which are in general applied and irresistibly carried out as a matter of fact in a human society. This is equivalent to the view that if no sanctions occur, then there is no genuine legal order. Hägerström's theory then commits him to Hobbes' view after all. There is a logical connection between the concept of law and coercive reaction.

According to Hägerström's formal theory there are independently existing objective moral properties revealed by reason which determines the regulation of the use of legal terms. This formal theory is clearly in conflict with Hägerström's theory of moral nihilism which states that there are no such objective properties. So it is the legislator who must be the master of using words to mean what he chooses them to mean. Hägerström's theory of the legislator is then equivalent to Hobbes' Sovereign. Sovereigns "make the things they command just, by commanding them, and those which they forbid unjust, by forbidding them".¹⁴⁷⁾

This is, in the end, also Hägerström's view. Thus, he ends up with a will-theory of law. This has been overlooked. The question is the authority behind the words. Hägerström's

¹⁴⁷⁾ Hobbes, *Man & Citizen* (De Cive XII, 1) p. 244-245.

objection to the will-theory is that the authority behind the words is personal power. By contrast for Hägerström the authority rests upon the fact that "the power is of an impersonal kind, at any rate in constitutional regimes".¹⁴⁸⁾ But then Hägerström lapses into the will-theory by saying that "in interpreting the letter of the law it is *necessary* in doubtful cases to pay regard to what is called the *intention* of the legislator". This is by no means necessary. It is only necessary if you hold a will-theory of law.

Thus, Hägerström ends up with propounding a will-theory claiming obedience to a genuine legal order of independent commands, where "the community is organized on the basis of rules of law into superiors and inferiors".¹⁴⁹⁾ This is Hägerström's design of the legal order as a machine, where the inferiors are cogs, and the superiors the philosophers who provide the "intelligent guidance as to whither we are travelling" to use Lundstedt's apt expression.¹⁵⁰⁾ This "intelligent guidance" is Hägerström's philosophy which stands out as "one source of information".¹⁵¹⁾

Thus, Hägerström's epistemology is crucially important. It is presented as a case of thinking devoid of valuation. On this basis Hägerström denies that individuals have any personal rights independent of the legal order. He denies that individuals have any right to govern themselves. He denies that there can be criticism of the existing legal order. He affirms that there is a duty to obey the law. He affirms that a person who disobeys legal rules is irrational. The person is not a human agent but rather an object posing the problem of intellectual management, treatment and control.

Hägerström claims that this is based upon thinking. Here is the cognitive Sovereign. If my criticism is right this is not the case. It is based upon the will to power. This is expressed in Hägerström's theory of law in its psychological version. This is, then, a version of a will-theory

148) Hägerström, INLM p. 311, p. 312 for the following quotation (my italics).

149) Hägerström, INLM p. 15.

150) Lundstedt, Legal Thinking Revised, p. 9.

151) Hägerström, INLM p. 313.

where Hägerström is the commanding Sovereign. This has been overlooked, since Hägerström claims that the legal order is prior to the sovereign. There are, Hägerström says,

"three *conditions* which are always *necessary* for the maintenance of a legal order, viz. social instinct, a positive moral disposition, and fear of external coercion. But of these three the social instinct is presupposed by the other two. Without it morality would not lead to such actions which are free from legal coercive reaction."¹⁵²⁾

Thus, Hägerström's thesis is that if there is no social instinct then there is no legal order, which is equivalent to making the social instinct a necessary cause of any legal order, since the thesis is equivalent to: if there is a legal order then there is a social instinct. This is Hägerström's formal theory which leads him into a theory of natural law. This theory of natural law is not a theory concerning the rights of individuals. It is a theory which elevates the rights of society. Society depends upon the proper social instinct towards sociableness and away from selfishness. The end is that the genuine legal order functions as a machine. As a machine it must have technical perfection. Every person must fulfil his proper function. It must also have human perfection. Every person must seek technical perfection as an outward expression of their moral perfection, their willingness to submit their passions to rational control. "'No one', Luther writes, 'is without some commission and calling' - a set of tasks it is his responsibility to perform".¹⁵³⁾

Hägerström has a mission in life: his vocation is to establish a genuine legal order, and a society which values, above all else, unity, harmony, stability. This is presented as a necessity of thought which cannot be otherwise. This is where we are travelling to, if we follow Hägerström and his pupils. It may preserve an outward appearance of order

152) Hägerström, INLM p. 352 (my italics). It may also be that the instinct is rather a product of education, the effect rather than the cause of the legal order. The dispute may be called Hägerström versus Marx. Hägerström presents no empirical evidence for his thesis, cf. for a discussion Popper, *The Open Society and its Enemies*, vol. II, p. 89 ff.

153) Quoted from Passmore, *The Perfectibility of Man*, p. 13.

only at the cost of suppressing human freedom and creative experiment. Hägerström's Sweden is, indeed, a case in point.

8. Scandinavian Legal Realism

Hägerström's philosophy is the foundation for the school of law known as Scandinavian Legal Realism. To mention one or two examples, Lundstedt acknowledges his debt to Hägerström writing: "Under the impact of Hägerström's writings, my views on legal matters underwent a rational change".¹⁵⁴⁾

Lundstedt's numerous writings are built "on a forty-year-old foundation, laid by one of the greatest thinkers of our time, may be of all time". Lundstedt, besides being a professor of law in Uppsala, was an active politician, member of the Swedish Riksdag representing Socialdemokratiet, turning Hägerström's ideas into practical application for social life in Sweden. - Olivecrona also pays homage to Hägerström in the preface to his book "Law as Fact". Olivecrona's "endeavour to treat law as fact could not have been made without the basis supplied by his (i.e. Hägerström's) work".¹⁵⁵⁾ - Finally, there is also the Danish approach to law made by Alf Ross, whose thinking is "directed toward a realistic interpretation of law, that is, an interpretation in accordance with the principles of an empirical philosophy". Ross mentions Hägerström's work in this connection which is "dissociated from the natural-law doctrines and other ramifications of the idealistic philosophy of law prevalent on the Continent".¹⁵⁶⁾ Thus, it is quite clear that Hägerström is considered to be a great philosopher who has provided the only proper foundation for legal studies.

The common factors among the Scandinavian Realists mentioned are that they are anti-metaphysical and realistic, or so they claim. They want a realistic jurisprudence. The

154) Lundstedt, *Legal Thinking Revised*, p. 6, for the next quotation Lundstedt, *The Responsibility of Legal Science for the Fate of Man and Nations*, in *New York University Law Review*, vol. X, 1932-33, p. 326 at p. 340.

155) Olivecrona, *Law as Fact*, 1st ed., preface, where also a debt to Lundstedt is acknowledged.

156) Ross, *On Law and Justice*, London 1974, Preface, p. IX.

objection is that every legal philosopher wants a realistic jurisprudence. To quote Neil MacCormick,

"nobody has ever announced an intention to indulge in unrealistic jurisprudence. ... The problem we all face is not whether to be realistic, but how, not whether to portray law as fact rather than fiction, but what counts as a fact, and what, therefore, as a factual portrayal of it."¹⁵⁷⁾

On the question how to be realistic, I shall claim that the Scandinavians disagree. They also disagree about what counts as a fact, and therefore what the object and task of legal science is. One dividing line among the Scandinavians is the epistemology, on which they base their jurisprudential writings. The Swedes adhere to Hägerström's epistemology, Alf Ross, by contrast, adheres to logical positivism. Logical positivism is banned by Hägerström as metaphysics. Hägerström does not endorse Ross' principles of an empirical philosophy. On the contrary, Hägerström is a rationalist, a follower of Hegel's view:

"This is the quintessence of shallow thinking to base philosophical science not on the development of thought and the concept, but on immediate sense-perception and the play of fancy".¹⁵⁸⁾

So how to be realistic is for the Swedes to base investigation upon thinking, for Ross it is experience. This, in turn, has consequences for what is banned as metaphysics. For the Swedes the criterion is the law of contradiction. By contrast, Ross adopts the principle of verifiability (or verification) of logical positivism. For Ross it is the question whether the statement is testable by experience which is the decisive question. If the statement is not testable, then the statement is meaningless. This gives Ross a problem concerning the logical status of his own statements put forward in his book "On Law and Justice".

Are these statements analytical statements or empirical statements? If neither they are meaningless. I only wish to raise the problem, not engage to solve it for Ross. Ross limits jurisprudence to be concerned with a conceptual ana-

157) Neil MacCormick, *Law as Institutional Fact*, *The Law Quarterly Review*, vol. 90, 1974, p. 102 ff. at p. 103.

158) Hegel, *Philosophy of Right*, Preface, p. 6, cf. above Ch. IV, Sec.8.

lysis of concepts which are used in legal science. He is not interested in providing a definition of law, since law cannot be defined but only pointed out. The argument offered is that the word "law" is a proper name. This seems to me to be mistaken, since Ross confuses a class-word like "law" with a proper name like John Smith. And even the explanation of proper names is a definition, *pace* Mill.¹⁵⁹⁾ The question of definition leads to another important difference among the Scandinavians. Hägerström and Olivecrona think that the customary meanings of words suggest important truths, which we overlook if we stipulate new meanings, as Kelsen, for example, is said to be doing. This is to turn our backs on reality. The origin of words is for Hägerström and Olivecrona an important study. This is based upon the assumption that words are natural signs, where there is a necessary or natural connection between a word and a thing, which gives the word a real meaning. Words with real meaning are names of genuine concepts. If we wish to understand the real meaning of words we must look for the origin of words. It is necessary then to examine ordinary use or the definitions presented by writers in order to determine whether they are the correct definitions of basic concepts.

By contrast, the approach of Ross, and to a certain extent also Lundstedt, is rather characterized by stipulating new meanings for words, which leads them to the improvement of concepts or the creation of new concepts as a key to a successful legal science. With respect to legal science this is for Ross an inquiry directed at making predictions of judicial decisions on the basis of a hypothesis of a normative ideology of a known content.

By contrast, the Swedes deny that prediction is the essential element. This reflects, no doubt, Hägerström's attitude to predictions. Hägerström does not care for predictions, since what matters is that jurisprudence is a normative discipline aimed at offering guidance for the civil authorities. In this respect they part company with

159) See Robinson, *Definition*, p. 23 f.

Kelsen's view of legal science which is rejected as sterile formalism.

Kelsen's view is that legal science is a normative science. It is the business of the legal scientist to *describe* the norms, but it is by no means within his province to *prescribe* what ought to be done. In this respect Kelsen sides with Hobbes' view: "when the question is of the Meaning of written Lawes, he is not the Interpreter of them, that writeth a commentary upon them".¹⁶⁰⁾

Ross shares Kelsen's view that legal science is a normative science. He is in agreement with Kelsen that a legal science cannot prescribe. This is based upon Ross' adherence to the ethical theory put forward by Charles Stevenson. What the legal scientist does, then, according to Ross, is to describe the normative ideology assumed to be present in the minds of judges.

Hägerström parts company with Hobbes, Kelsen, and Ross. For Hägerström legal science is a normative science both in the sense that it describes legal prescripts and in the sense that it offers guidance for maintaining the legal order. Hägerström's objection to Kelsen's conception of legal science is that Kelsen is "led back to the view of primitive positivism and the so-called grammatical method of jurisprudence".¹⁶¹⁾

This approach is clearly not suitable for Hägerström's aim: to provide peace with society using legal science as a means. Hägerström's argument is therefore: jurisprudence is a normative science with a definite practical aim, viz. to keep carrying out the existing law by using "ought in its usual sense".¹⁶²⁾ Hägerström holds it against other writers that they fail to see clearly what the object of jurisprudence is. This objection can also be raised against Hägerström.

Kelsen's theory concerning the task of legal science is rejected as primitive positivism because only positive

160) Hobbes, Leviathan, Part II, Ch. 26, p. 325, cf. p. 322.

161) Hägerström, INLM p. 274.

162) Hägerström, INLM p. 53.

law is valid. By contrast, Hägerström's theory commits him to a natural law theory revealing "rational law" according to "sound reason".¹⁶³⁾ This raises the question concerning the status of "principles for ascertaining the positive law". On the one hand Hägerström holds that these principles "are regarded as "positive law" just as much as the statutes".¹⁶⁴⁾ So they belong to positive law. Hägerström's objection to Kelsen is that Kelsen holds that these principles are merely ethico-political postulates. In the case of Hart versus Dworkin, Hägerström in 1925 is then on the side of Dworkin.¹⁶⁵⁾

On the other hand Hägerström stresses in 1917 that "in point of fact the ordinary expositions of the *correct* principle for interpreting and supplementing legal enactments are by no means juridical in the proper sense of the word. They belong to practical philosophy or sociology."¹⁶⁶⁾ So Hägerström is also on the side of Hart and Kelsen versus Dworkin.

Hägerström's position may be explained on the basis of his two theories of law, the formal theory and the psychological theory. The formal theory is held against Kelsen. When attacked as a natural lawyer, Hägerström takes refuge in the psychological theory. But, whatever the theory adopted, Hägerström stresses that it is guidance, not prediction, which matters. This is so, since it is vital to inculcate the proper moral disposition "because the social instinct does not infallibly act on its own account, but may be overcome by interests or passions which lead to antisocial action".¹⁶⁷⁾

This is the difference between Kelsen and the Swedes. It is, I think, the answer to the query raised by Hart.¹⁶⁸⁾ It is the difference between Swedish Legal Realism and American Legal Realism and Ross. Ross is much closer to American Realism. Ross is opposed to Lundstedt's method of social welfare, which, whatever Lundstedt says, is a crude form of

163) Hägerström, INLM p. 278 and p. 298.

164) Hägerström, INLM p. 292, cp. p. 244 and p. 95 f.

165) For an overview of this debate see Neil MacCormick, *Legal Reasoning and Legal Theory*, Oxford 1978, Ch. IX.

166) Hägerström, INLM p. 104 (his italics).

167) Hägerström, INLM p. 352.

168) H.L.A. Hart, *The Concept of Law*, Oxford 1961, p. 233 note at p. 10.

utilitarianism. Lundstedt has been criticized by Ross for confusing description with prescription, or else ending up as a plain metaphysician. Lundstedt, by contrast, castigates Ross in his usual way of answering critics. This debate is not worth rehearsing. Olivecrona has been neutral in this debate. He is only concerned with giving a description of magical ideas in the minds of people, or else engaged in historical studies. The former is a rather dubious affair. If Hägerström's materialism is taken into account, then psychological phenomena are bodily activities. So Olivecrona lapses into idealism. But Olivecrona tells us that he is a realist fighting against idealism. Surely something has gone wrong. Olivecrona's historical investigations are interesting and well worth reading.

The difference between Olivecrona and Lundstedt can perhaps be traced back to the fact (and this is a fact) that the master never propounds a coherent theory concerning the object of legal science. Lundstedt and Olivecrona think, however, that Hägerström's theory provides such an exhaustive and definite formulation of the essence of law - all the rest is just exegesis. Left to themselves to provide the exegesis they develop different theories, precisely because Hägerström does not provide a coherent set of concepts.

Ross parts company with the Swedes and joins the logical positivists instead. But they all learnt the gospel of the psychological importance of using words to direct and control men's instincts in the struggle for existence. This is, I think, the lesson to be learnt from the Realists.

It never occurred to them that this method can be used as well as misused. Criticism of legal rules in moral terms is ruled out by the Scandinavian Realists. This is, I think, disastrously wrong.

Hägerström probably got the idea of using words as a persuasive means from Berkeley.¹⁶⁹⁾ One end of language is the communication of knowledge. But there are other ends "as the raising of some passion, the exciting to or deterring

169) Berkeley, Introduction to the Principles § 20, Selections p. 26 f.

from an action, the putting the mind in some particular disposition", as Berkeley says. His example is

"For example, when a schoolman tells me 'Aristotle hath said it', all I conceive he means by it is to dispose me to embrace his opinion with the deference and submission which custom has annexed to that name. And this effect is often so instantly produced in the minds of those who are accustomed to resign their judgment to authority of that philosopher, as it is impossible any idea either of his person, writings, or reputation should go before. So close and immediate a connexion may custom establish betwixt the very *word* Aristotle and the motions of assent and reverence in the minds of some men. Innumerable examples of this kind may be given, but why should I insist on those things which every one's experience will, I doubt not, plentifully suggest unto him?"¹⁷⁰⁾

To give an example of this kind. If you replace "Aristotle" with "Hägerström", then you get a very apt description of jurists in Sweden who have had and still have great influence on legal science and social policy.

As a school of legal thinking, Scandinavian Realism has not produced any comprehensive research programme. The recent death of Olivecrona signals the end of Scandinavian Legal Realism in jurisprudence. It does not follow, however, that his death is also the end of jurisprudence in Scandinavia.

170) Berkeley, Introduction to the Principles § 20, Selections p. 27.

Chapter VII

Journey's End

"But thought's the slave of life, and
 life time's fool;
 And time, that takes survey of all the world
 must have a stop."

W. Shakespeare*

1. Looking Back

In the preceding chapters I have taken a survey of Hägerström's writings. My thesis is that Hägerström's theory of knowledge and reality is of crucial importance for his inquiries into morality and law. I have tried to argue for that thesis, starting with a brief account of Hägerström's life in Chapter I. I have then tried to relate this account to his philosophical writings in Chapter II. Hägerström's numerous writings - and perhaps even more his oral teaching - have been extremely influential in Sweden. And there is "a single coherent thought to be found in the conglomerate of writings" presented by Hägerström.¹⁾

This thought is the priority of reason to will and feeling on the one hand, and to sense-experience on the other hand. Hägerström's philosophy is the line of rationalist philosophers, going back to Parmenides. Hägerström's thesis is that reason provides knowledge that is necessary and universal. Genuine knowledge is knowledge of causes and effects and the necessity in causal relations is objective based upon rational intuition.

Hägerström's rationalist philosophy must be seen as providing an answer to the problem situation of his day. The world is in a state of flux. Hägerström's philosophy, his Copernican Revolution, is meant to put an end to this state

* William Shakespeare, King Henry the Fourth, Part One, Act V, IV per Hotspur.

1) The quoted phrase is Hägerström's, referring to the Bible, where no such thought can be found according to Hägerström, INLM p. 102.

of affairs. I have tried to present this in Chapter III.

From the very beginning of his career as a philosopher Hägerström believed he had a mission in life. This mission is to remove the veil of deception of the prevailing philosophies of idealism and realism as metaphysical speculation devoid of meaning, and to demonstrate that knowledge of the world of things in space and time existing independently of man's consciousness is possible, provided the proper foundation is established. Hägerström's philosophy is meant to establish this foundation.

Hägerström's invective against metaphysics is meant to express the essence of his own philosophy: the unconditioned character of the sovereignty of reason as the only light to make objects in the world visible. Reason shows that nature operates everywhere and always by causal laws. This is the truth about the way objects, including living objects, are. Nature is stable and uniform. Scientists and ordinary people are, by contrast, confused and changeable. The remedy is the philosopher's knowledge. I have considered the merits and demerits of Hägerström's revolution in Chapter III, section 5, especially p. 163 ff.

I have then accompanied Hägerström on his way of truth, i.e. the theory which holds that whatever is inquired into must exist as an external object in space and time in Chapter IV. Hägerström's way of truth winds uphill to the Absolute, i.e. Hägerström's thesis that reality must be defined as knowledge itself. This thesis is, in turn, based upon Hägerström's claim that the word "reality" means nothing but "the logical feeling of certainty". To have this feeling is a necessary condition for understanding the meaning of Hägerström's sentences. This makes it, of course, difficult to understand what Hägerström is saying. I have tried nevertheless, and also tried to present his views fairly and aright in order to consider whether to endorse them or not.

As for Hägerström's thesis, mentioned above, it involves him in a vicious - because both vacuous and interminable - regress. Hägerström's definition of knowledge is "what Hägerström has a logical feeling of certainty about is know-

ledge". In order to understand this definition Hägerström must already understand the concept of knowledge in some other way. If this is not the case, he is involved in writing out his definition as "what Hägerström has a logical feeling of certainty about is "what Hägerström has a logical feeling of certainty about is "what Hägerström has a logical feeling of certainty about is ..."". Hägerström does not bring this conceptual point out. If it is brought out to him his answer is, I think, that knowledge is self-justifying.

The first step is the decisive step, and this step concerns the way of the right method to obtain knowledge. Hägerström's step is to pursue along the way of truth, as opposed to the way of illusion, exemplified by idealism or the scientific consciousness, and as opposed to the way of opinion, exemplified by realism or the ordinary consciousness. The way of truth is exemplified by the philosophical consciousness and this leads in the end to knowledge, which is equivalent to the logical feeling of certainty. When Hägerström sincerely claims that he has a logical feeling of certainty, it is idle for others to dispute this. What can be denied is, however, Hägerström's point that this logical feeling of certainty guarantees the existence of external objects existing in space and time. Even Hägerström must admit that I can have a logical feeling of certainty that there are horses. But it does not follow that there actually are horses in the world to be seen or touched. Hägerström simply begs the question concerning the existence of external objects.

Hägerström's theory of knowledge and reality is put forward as the firm foundation for rational discussion within philosophy, science, and law. The aim is to bring men back to their senses and stop them talking nonsense. The surprising result of Hägerström's own theory of knowledge is that this is beyond the domain of rational discussion. Hägerström's appeal is in the end to the Absolute, i.e. his rational intuition or logical feeling of certainty. Hägerström is then forced to abandon any critical discussion of the foundation of his own philosophy.

About the concept of the Absolute in itself, no further

questions can be asked. If we do ask questions about the Absolute, it would cease to be the Absolute. The consequence is that what is supposed to make the world intelligible must itself be unintelligible and beyond rational discussion. This is very odd, indeed. It makes a nonsense of Hägerström's own philosophy if we follow his principle of causation which says that like causes produce like effects.

But it is, nevertheless, the basis for Hägerström's existence as a cognitive sovereign claiming obedience to his teaching and inculcating the feeling of certainty in his pupils in order to make himself understood. The motto is: *crede ut intelligas*, cf. above Chapter III, p. 140 and 173.

Hägerström's theory of knowledge and reality is important in two respects. First it provides the foundation for his inquiries into morality and law. These inquiries are then based upon reason and bound to result in knowledge. Secondly, it provides the foundation for his protection from potential critics. Hägerström's inquiries are based upon sound reason, and sound reason is infallible knowledge. Hägerström's mistake is to confuse

- a) when he knows that the horse is running then it is true that the horse is running, i.e. Hägerström's judgement is true, with
- b) when he knows that the horse is running then he is stating a necessary truth, i.e. Hägerström's judgement is a necessary truth.

If Hägerström knows that *p*, then necessarily *p*. But this formula is ambiguous between (a) *p* is true and (b) *p* is necessarily true. Hägerström exploits this ambiguity. The judgements of other people can be classified as belonging to (a). Hägerström's judgements, by contrast, always belong to (b).

In the area of morality, Hägerström's theory of knowledge and reality leads to his thesis, as against Hume, that man's passions are, and ought only to be, the slave of reason and can never pretend to any other office than to serve and obey reason.²⁾

2) Compare Hume, *A Treatise of Human Nature*, Book II, Part III, Sec. III, p. 415.

Hägerström's moral theory is presented in Chapter V. Hägerström is generally known as being a non-cognitivist or moral nihilist, i.e. his holding the thesis of moral nihilism which states that there can be no knowledge of values. Since Hägerström's theory of knowledge equates knowledge and reality, it follows that it is an ontological impossibility that there are values in the world. There are then, properly speaking, no genuine value-judgements, but only words expressing feelings. It follows that values do serve and obey reason, since Hägerström holds, on the basis of a logical feeling of certainty, that values do not exist. Hence, there can be no genuine problems of values and no genuine solutions to these problems either. If values, including religious values, are essentially a non-cognitive activity of expressions of feelings, then they cannot possibly conflict with the cognitive activity of reason. So the important consequence is on the one hand that religion is saved from the inroad of science, on the other hand theology is dismissed as not a genuine scientific activity. Concerning feelings nobody can be in the superior position of a teacher, and nobody in the inferior position of a pupil.

Hägerström's moral skepticism commits him to the position of ethical individualism, i.e. the source of values is only the individual's feelings. Based upon his theory of knowledge and reality Hägerström transforms the conceptual and normative questions concerning values into causal inquiries where reason rather than experience operates. To be sure, Hägerström appeals to experience. He claims that values (i.e. feelings) are conditioned by the individual's upbringing and his natural and social environment. This causes the individual to believe in the objectivity of values, but this is a case of illusion and superstition.

Nevertheless, Hägerström is involved in conceptual difficulties, if he adheres to his own definition of the nature of feelings and volitions. Here there is no process of objectification as is the case with thinking. In the case of feeling and will there is no distinction between the state of consciousness and the object, existing independently of

the state of consciousness. In the case of feelings and volitions there are nothing but states of consciousness, using empty words for expressing feelings and volitions. How can empty words produce effects? This is, indeed, a mysterious and incomprehensible operation according to Hägerström's ontology. Hägerström's solution of this problem is not based upon experience. He does not offer an empirical hypothesis that empty words may, after all, cause feelings in a hearer of those words. He does not set out to do some field-work. He remains in his study, looking into himself, considering his own state of consciousness when subjected to words expressing feelings. Hägerström's assumption is that human nature is constant and uniform in all times and places. On this basis Hägerström lays down that his experience of words expressing values is tantamount to the experience of all people.

Hägerström's feeling, however, enjoys a privileged status, just as his feeling of logical evidence enjoys a privileged status. Hägerström's value-feeling is not to be tested by reports made by anthropologists. On the contrary, these reports are to be tested against Hägerström's feeling. Hägerström's feeling has then a regulative status. This implies that if Hägerström hears the military march then he, and everybody else, has a warlike feeling.³⁾ If so, reason comes into operation, since reason implies order, in nature as well as in society. Reason is knowledge of causes which operate necessarily. That is to say, in the absence of the cause, the effect will never occur.

To secure peace within society, it is then necessary to remove the causes of war. It is quite simple then. You stop playing the military march, and the effect of a warlike feeling does not occur.

The idea that people have natural rights is also a dangerous idea. The idea of natural rights functions as a cause to produce effects within society. Again the solution is quite simple, viz. to eliminate the cause. If people have no idea of natural rights, then the effects of "brawls" con-

3) Hägerström, PR p. 71.

cerning "meum and tuum, just and unjust, profitable and unprofitable", to use Hobbes' phrase, cannot occur.⁴⁾

Hägerström shares Hobbes' idea of peace as all-important. Hobbes retains the idea of natural rights and introduces a powerful sovereign to make some common rules backed up by the sword, in order to secure peace. Hägerström abandons the idea of natural rights and claims that the sovereign has no creative will. He is bound by law as well. This takes Hägerström into a discussion of the nature of law, which I have considered in Chapter VI.

If my understanding of Hägerström is correct, then he has two theories of law, which I have called the formal theory of law and the psychological theory of law. The formal theory holds, briefly, that legal rules are categorical imperatives which determine the necessary actions for the survival of a peaceful life within society. The psychological theory holds, briefly, that legal rules are expression of interests and the maintenance of legal rules depends upon the pressure of using words to influence people to share the interest in upholding the law. The formal theory enables Hägerström to reject the voluntaristic theory of law which holds that legal rules are made by a sovereign will, which imposes names upon human conduct and thereby makes it right or wrong conduct.

Hägerström's inquiry into law is a sustained attack on voluntarist theories of law. His argument is that the existence of a sovereign will presupposes the existence of an independent legal order which sets limits to what the sovereign may legitimately do. It is not open to the sovereign will to choose what names to impose on conduct. Hägerström's assumption is that choosing is arbitrary depending upon will, whereas finding is determined. What is created is arbitrary, what is given or found is fixed by laws, which operate independently of man's faculties of reason, will and feeling. It seems to me that this assumption is false. What is created is not necessarily arbitrary.

4) Hobbes, *Man and Citizen* (De Cive VI, 9), p. 178.

Hägerström's assumption leads him to the thesis that law is found rather than made. It is the distinction between order and anarchy, between a genuine legal order and despotism. This thesis implies that the sovereign, no less than his subjects, is bound by law. The legislator is determined by the natural and social environment in which he lives, and cannot arbitrarily impose his will upon men living together in society.

It seems to me that Hägerström conflates laws in a descriptive sense and laws in a prescriptive sense. The latter, but not the former, are not fixed in the sense that they cannot be changed. Hägerström is, however, opposed to change, which leads him to the view that we are "the slaves" of the law.⁵⁾ Law is not only the cohesive force of the State, it is also above the sovereign. This is the foundation for Hägerström's rejection of Hobbes' theory of law and John Austin's theory of law. Indeed, any voluntaristic theory of law is rejected as a piece of metaphysics, because it is rooted in the concept of an active will. This also leads Hägerström to reject Kelsen's theory of law as a piece of metaphysics, since Kelsen's theory is based upon a construction of thought. A proper theory of law must be based upon what is given to reason. If we think realistically, Hägerström claims, then we must realize that we move within a sphere of fixed concepts, the selection of which is not open to us. What is open to us is to discover the real meaning of the fixed concepts by tracing their origins.

Hägerström's mistake is, it seems to me, to underrate the value of concepts, created by philosophers or scientists, for rendering law intelligible. For Hägerström this is tantamount to empty fantasy as distinct from philosophical truths. Hägerström claims to possess the truth.

Another consequence of Hägerström's formal theory is his rejection of individuals having natural rights. All rights, in the proper sense, depend for their existence upon the law. All the benefits of civilization, all cultural va-

5) Cf. Hägerström, *Rätten och Staten*, p. 253.

lues, appear as gifts from the law, which barbarians tend to destroy by anti-social behaviour rooted in the idea of having natural rights to freedom. In this sense Hägerström is strongly opposed to natural rights theories, and rather an ardent legal positivist.

Hägerström's rejection of natural rights implies dismissal of the idea that the legitimacy of the law depends upon the individual's consent. This is also why institutions of parliamentary democracy can find no proper place in Hägerström's formal theory of law. He believes rather in education of individuals into a state governed by impersonal reason as expressed in legal rules. Hägerström regards any exercise of will upon the law as perverse of its nature. His answer to the key question of the legitimacy of the legal order is that the actual existing legal order is the legitimate legal order. What is, is legitimate. This is to reduce norms to facts, which is quite consistent within Hägerström's theory of knowledge and reality.

As a consequence of this theory Hägerström holds, in his formal theory of law, that the individual is bound to obey the law just as the legislator is bound to obey the law. In this sense Hägerström holds a natural law theory according to his own definition. Again the objection is that Hägerström conflates law in a descriptive sense with law in a prescriptive sense.

As for the content of legal rules and for the criteria governing the use of legal language Hägerström's position is ambiguous. On the one hand he holds that they are not open to choice but given in the nature of things. On the other hand they are open to the legislator's choice provided he is directed by a proper understanding of the requirements of society based upon reason.

Hägerström holds that the concepts of right and duty are correlative concepts. These concepts are not meaningless simplicities. There is room for a genuine concept of duty as well for a genuine concept of right, when these concepts have been purified from the confused mixture of logically unrelated ideas such as the individual's active will. Proper-

ly understood the concept of duty is equivalent to right conduct. And right conduct is determined in legal rules. The content of these rules is, in turn, determined by men's social interest in common welfare as distinct from men's self-interest in selfish behaviour. For Hägerström there is natural selection by and for group survival based upon the social instinct as opposed to selection by and for individual survival based upon the selfish instinct. Behaviour that helps the group rather than the individual within society is rewarded by natural selection, which determines the course of evolution. Men's social interest in common welfare calls for security, discipline, and the upholding of a stable social order. This social order is by nature hierarchical.

The autonomous morality of each individual, which is stressed by Hägerström, is very much in line with Bradley's thought that the individual apart from the society is not anything real, and the individual becomes real only by fulfilling his station and his duties as a member within an organized society. In a genuine legal order, the individual's duty and right are united in one and the same relation defined by impersonal laws.

It follows that Hägerström's thesis of moral nihilism, mentioned above, is restricted to religious values. They depend solely upon feelings, and are beyond the reach of science. As for other values, Hägerström's formal theory supplies the answer which commits him to a cognitivist position. Right conduct is either found or established by reason.

Hence the importance of the psychological theory, which is connected with Hägerström's conception of natural selection. Again it must be noticed that this is not an empirical theory. The theory holds that law is an expression of interests, viz. the interest in obeying the law. Since interests are, for Hägerström, expressions of will, the surprising result is that Hägerström holds a will-theory of law, which does not fit with his general attack upon voluntarist theories. Hägerström's psychological theory is designed, however, to inculcate the basic principles of social co-operation, to make the system of welfare services provided by law

effective. The duty to obey the law is then of crucial importance. The duty to obey the law is natural in the sense that it depends upon man's social instinct. Hägerström cannot fail to observe that this social instinct does not act infallibly on its own account. It is Hägerström's objective to see to that it does act infallibly by counteracting man's anti-social instinct to evade the law, when he can get away with it. This instinct, which is rooted in man's idea of having an active will, leads to anarchy. This presents clearly a danger for peace within society.

The curious thing is that Hägerström claims to have solved this problem by his thesis that there is no such thing as an active will. The fact that he introduces his psychological theory shows clearly that his thesis must be rejected or at least modified, since the psychological theory holds that law is an expression of will. Another problem for Hägerström is that his psychological theory implies that it is possible to interfere with nature's universally binding laws. This again is inconsistent with his determinism.

Hägerström's way out of these difficulties is, I think, that he tries to prove his own thesis that there is no such thing as an active will by using the words "right" and "duty" as means to destroy the anti-social instinct and firmly inculcate the social instinct to adhere to legal rules.

Thus legal science has supreme importance for life in society. Legal science is social inculcation of right conduct. The function of legal science is not to predict behaviour but to enthuse citizens to act according to the law. The aim is that they may receive the content of law into their consciousness and thereby make society cohere. Since legal science is based upon reason it is neutral in the sense that it involves no value-judgements as expressions of feelings. The legal scientist functions rather like a doctor, where the patients are the citizens.

The formal theory enables the legal scientist to know and demonstrate the sovereignty of law over men's passions. The psychological theory is used to take care that the sovereignty of the law is maintained in order to secure the

overriding aim of social harmony and stability between people living together in society. If the formal theory of law and the psychological theory are combined, or even reduced to one theory of law which Hägerström's theory of knowledge and reality implies, then reason governs the passions. The legal order will function as a machine, where men, like cogs, mechanically and automatically act according to laws.

I dissent from the implications of his philosophy for life in society. The implications that there can be no moral criticism of the existing legal order, that men are reduced to powerless and mindless creatures in a total order united by a single-minded feeling of harmony based upon the single thought that there is but one Kingdom, and Paradise is, after all, realized on Earth.

On the basis of Hägerström's cognitive sovereignty his thesis is the sovereignty of law. The thesis is stated as a demand of reason which must be obeyed as a precondition of genuine knowledge and as a precondition of genuine order within society. Hägerström's conception of reason can only command and dominate man's passions and his life in society. His sovereign reason turns out to be a coercive sovereign, whose authority cannot be questioned.

I have, nevertheless, challenged Hägerström's authority. My objection is that Hägerström's conception of reason overlooks that reason may also function to inform and guide man's passions rather than to destroy them as Hägerström implies.

If Hägerström's philosophy works, then this leads in the end to moral as well as intellectual apathy. To be sure, Hägerström has then achieved his aim. His basic value, "we wish first and foremost to live an unobstructed life", has been implemented.⁶⁾ Peace has been brought about by reason, but at a very high price, viz. the destruction of man's freedom and creativity. I am not quite sure whether Hägerström has designed his theories of law to achieve this effect. If I am right that the destruction of man's freedom is the effect, then can Hägerström's philosophy be dismissed on that account alone?

6) Hägerström, PR p. 213.

I am not quite sure whether this is a proper basis for dismissal of Hägerström's theory, bearing Hume's remark in mind, that is "when any opinion leads us into absurdities, 'tis certainly false; but 'tis not certain an opinion is false, because 'tis of dangerous consequence".⁷⁾

Then, perhaps, there is more force in the objection to Hägerström's theory that it leads us into absurdities. The absurdity is Hägerström's theory of knowledge and reality, which is the foundation for his legal theories. Hägerström's theory of knowledge leads him to reject whatever does not fit into his system as a piece of metaphysics. As an illustration there is his rejection of the atomic theory "which is metaphysical and meaningless, leads to speculations which are ultimately meaningless - a weaving of words".⁸⁾ Hägerström did not live long enough to see that "a weaving of words" was capable of producing the atomic bomb.

Hägerström's great mistake is, it seems to me, to claim that when he declares that something exists, then it does as a matter of fact exist. An example is Hägerström's idea of the course of evolution, which commits him to the Phoenix myth, the myth of a fresh start provided by Hägerström's philosophy.⁹⁾ This will carry men to a condition of happiness. And when Hägerström declares that something is non-existent then it *is* non-existent as a matter of fact. So he is highly surprised and puzzled when reality turns out otherwise. This leads him to claim that the facts so presented are, really, mystical forces. On both accounts, the result is a falsification of the way things are.

2. Looking Ahead

I have questioned Hägerström's cognitive sovereignty, and perhaps some of Hägerström's disciples may reject my studies in the philosophy of Axel Hägerström as being rather studies

7) Hume, A Treatise of Human Nature, Book II, Part III, Sec. II, p. 409.

8) Hägerström, PR p. 311.

9) Cf. Hägerström, PR p. 95.

against the philosophy of Axel Hägerström¹⁰⁾. To these critics my reply is that my studies are in as well as against the philosophy of Axel Hägerström. They are in Hägerström's philosophy in the sense that I have tried to understand the meaning of Hägerström's sentences in order to examine whether these sentences express true or false judgements. My studies are against Hägerström's philosophy in the sense that I claim that Hägerström's philosophy rests upon untruths. Nevertheless, Hägerström's philosophy must be taken seriously as an attempt to ground law and legal science upon epistemology.¹¹⁾ This seems to me to be the lasting value of Hägerström's philosophy. Unfortunately, Hägerström is highly, but wrongly, suspicious of the essentially constructive nature of thought which leads to the introduction of new concepts to make reality, including law, intelligible. Consequently Hägerström condemns theory on precisely those points, where its constructive character comes to light, as for example in Kelsen's theory of law.

Hägerström's mistake is to lay down, once and for all, the limits of intelligible discourse, in such a way, as to exclude the introduction of new concepts.

To mention an example of what I have in mind about the constructive nature of thought within law. Hägerström's conception of law is in terms of a command, albeit an independent command. But it may be illuminating to discard the no-

10) Cf. Lenin, *Materialism and Empirio-Criticism*, p. 19, and see above Ch. I, Sec. 9, especially p. 31.

11) It is curious to notice that Hägerström's philosophy is not taken seriously in Sweden. To mention but two examples. Alexander Peczenik describes in his book *Juridikens Metodproblem* (Methodological Problem of Legal Science), Stockholm 1974, p. 15, Hägerström as a great philosopher, his works are mentioned too, but why Hägerström is a great philosopher Peczenik does not tell his reader. In another book by Dag Victor, *Rättssystemer och Vetenskap* (Legal Systems and Knowledge), Uppsala 1977, Hägerström's philosophy is simply ignored, Victor is concerned with Aristotle's philosophy and its importance for the methodology of legal science, where Victor deals with Lundstedt's view. This seems to me to be remarkable. Since Hägerström is influenced by Aristotle, and Lundstedt is influenced by Hägerström, I should think that Victor is mistaken when he ignores Hägerström's philosophy. Even more so, since Hägerström's philosophy has been so influential in Sweden.

tion of command and its implication of some superior authority on the part of the commander. It is more illuminating to see law in terms of rules, as H.L.A. Hart does.

The constructive aspect is quite important, since to have the power to legislate is to have the power to form a whole group's way of life. This is, to be sure, realized by Hägerström. What he fails to realize is that we are not necessarily slaves of the law. It is, after all, possible for the slaves to rebel against the tyranny of law. Hägerström also realizes, quite correctly in my opinion, the importance of legal science and its reciprocal relationship to epistemology. Epistemology and legal science are dependent on each other.

For Hägerström this relationship is a necessary one. That is to say, Hägerström's theory of law stands and falls together with his theory of knowledge and reality. If the latter is dismissed, so is the legal theory. I am not sure whether this is the right conclusion to draw. Certainly, Hägerström is right to insist that science without epistemology is muddled.

He is wrong, when he insists that important questions such as whether, and to what extent, individuals have rights, and whether the existing legal order is just or unjust cannot be legitimately raised and properly answered.

What we need, then, is not to reject Hägerström's philosophy and start afresh. What we need is to take Hägerström's philosophy seriously as a basis for a better epistemology as a basis for better legal theories. We are not, then, slaves of our own theories, as Hägerström claims. On the contrary, it is possible to create new theories, which render the law more intelligible. This is to continue in the spirit of Hägerström, to continue to work as he did, but with the different aim of providing room for reason as well as for passions.

To conclude with a remark made by Mr. Justice Holmes, jr.:

"The work is done". But just as one says that, the answer comes: "The race is over, but the work never is done while the power to work remains".¹²⁾

My thesis is, finally, at journey's end. But then there is a new vista ahead, as I have just suggested, I also hope to have the power to work on that. As Holmes says:

"The canter that brings you to a standstill need not be only coming to rest. It cannot be, while you still live. For to live is to function. That is all there is in living."

12) Oliver Wendell Holmes, *The Occasional Speeches* (edt. M. De Wolfe Howe), Cambridge, Mass. 1962, p. 178, also here the next quotation.

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